

CHAPTER 22.98 - SOUTH COUNTY PLANNING AREA

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22.98.010 - Purpose and Applicability

This Chapter provides standards for proposed development and new land uses that are specific to the South County planning area defined by the Land Use Element. These standards apply to proposed development and new land uses as provided by Section 22.90.020 (Applicability), and are organized according to the specific areas and/or land use categories within the planning area to which they apply.

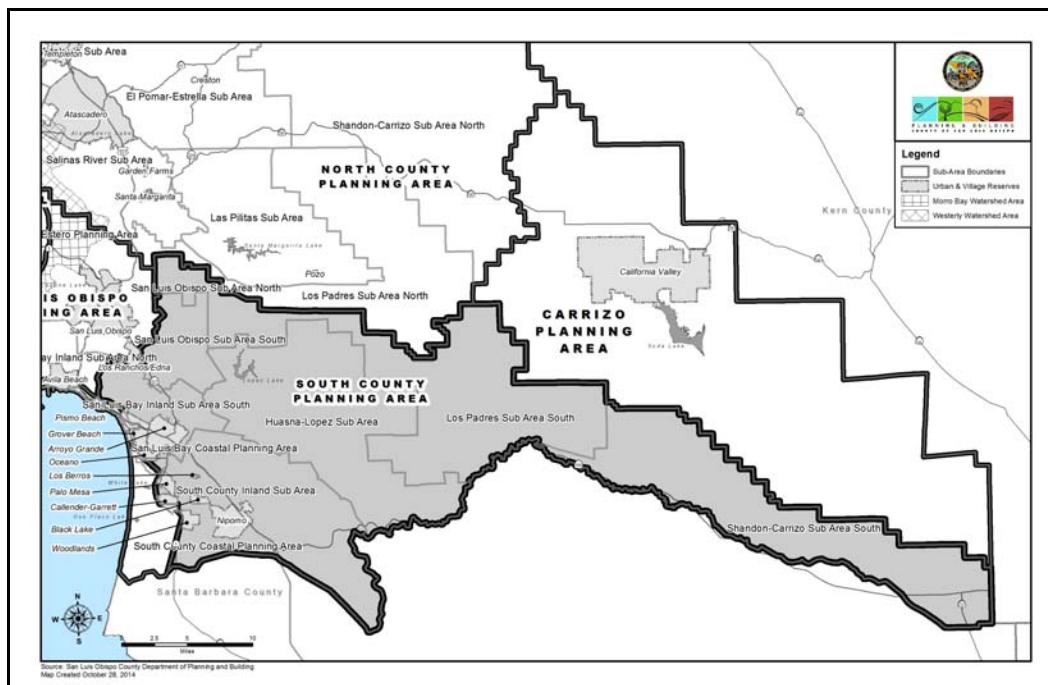


Figure 98-1: Figure showing Sub-Areas

22.98.020 – Combining Designation Standards

A. Airport Review Area (AR). The following standards apply within the Airport Review combining designation, as shown in Figures 98-2 and 98-3:

1. Airport Land Use Plans included by reference.

- a. The adopted Oceano County Airport Land Use Plan, and any amendments thereto, is hereby incorporated into this Title by reference as though it were fully set forth here.

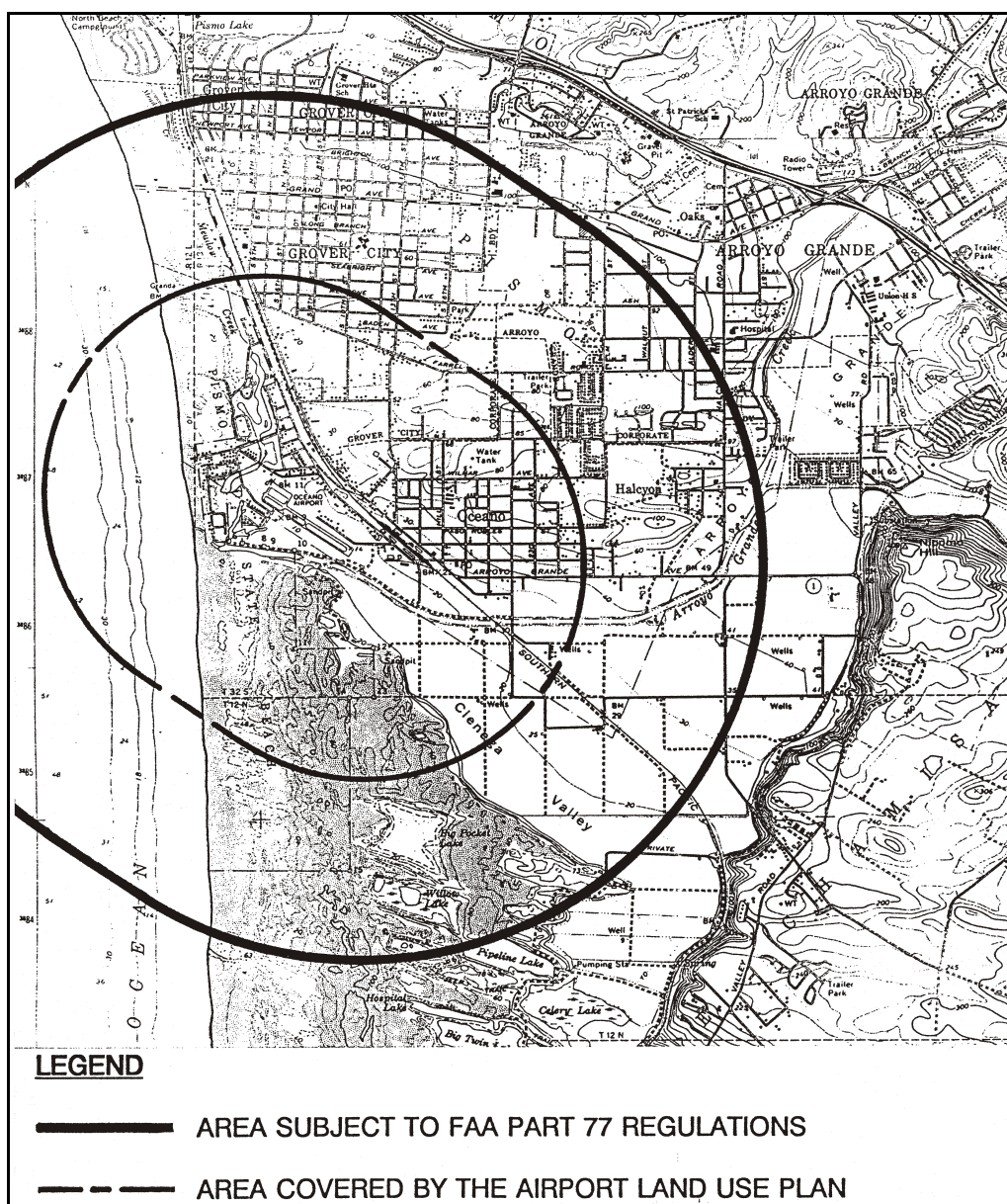


Figure 98-2 - Airport Review Area - Oceano County Airport

- b. The adopted San Luis Obispo County Airport Land Use Plan, and any amendments thereto, is hereby incorporated into this Title by reference as though it were fully set forth here.

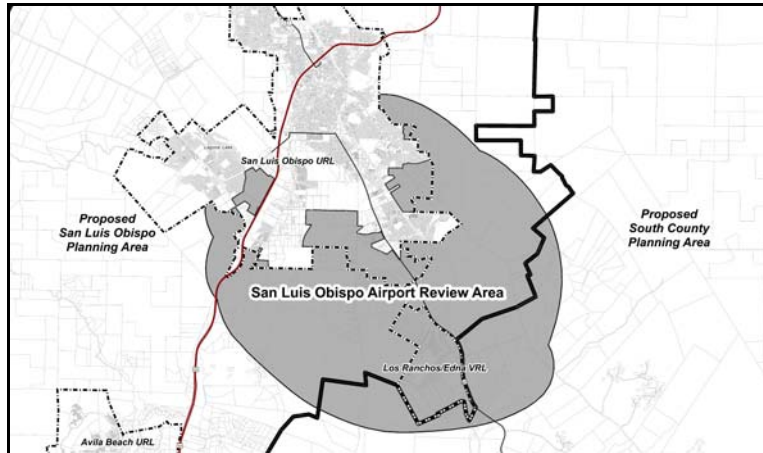


Figure 98-2: San Luis Obispo Airport Review Area

2. **Limitation on uses within Airport Review Area.** Allowable uses are limited to those designated as "compatible" or "conditionally approvable" by the Oceano County Airport Land Use Plan and San Luis Obispo County Airport Land Use Plan, as applicable, in compliance with the land use permit requirements of Section 22.06.030 (Allowable Land Uses and Permit Requirements).
 3. **Review for compliance with Airport Land Use Plan.** All land use permits, land divisions and General Plan amendments must be found consistent with the Airport Land Use Plan adopted by the San Luis Obispo County Airport Land Use Commission for the Oceano County Airport Review Area and the San Luis Obispo County Airport Review Area, as applicable.
 4. **Site Design and development standards - Private lands.** All development applications for the area within the boundary of the Oceano County Airport Land Use Plan and the San Luis Obispo County Airport Land Use Plan shall comply with the development standards in the respective plans, in addition to all applicable provisions of this Title. In the event of conflicts between the provisions of the Airport Land Use Plan and this Title, the more restrictive provisions shall prevail.
 5. **Site design and development standards - Airport site.** New development projects in County-owned portions of the site of the San Luis Obispo County Airport shall be consistent with the adopted Airport Use Permit (the land use plan for the airport itself), and shall comply with all applicable provisions of the airport lease site standards instead of the provisions of Articles 3 and 4 of this Title.
- B. Energy and Extractive Resource Areas (EX) - Permit requirement for Price Canyon Oilfield.** Conditional Use Permit approval is required for any expansion of existing oilfield operations in Price Canyon, Tiber Canyon and in the hills off Ormonde Road into adjacent land use categories

C. Extractive Resource Area (EX-1) - Santa Maria River. The following standards apply within the Extractive Resource Area (EX-1) combining designation in and along the Santa Maria River.

1. **Compliance with Specific Plan required.** All development within the Santa Maria and Sisquoc Rivers Specific Plan Area (see Figure 98-4) shall comply with the adopted Specific Plan. In the event of any conflict between the provisions of this Title and the Specific Plan, the Specific Plan shall control. Any deviation of existing or proposed development from the provisions of the Specific Plan shall occur only after appropriate amendment of the Specific Plan.

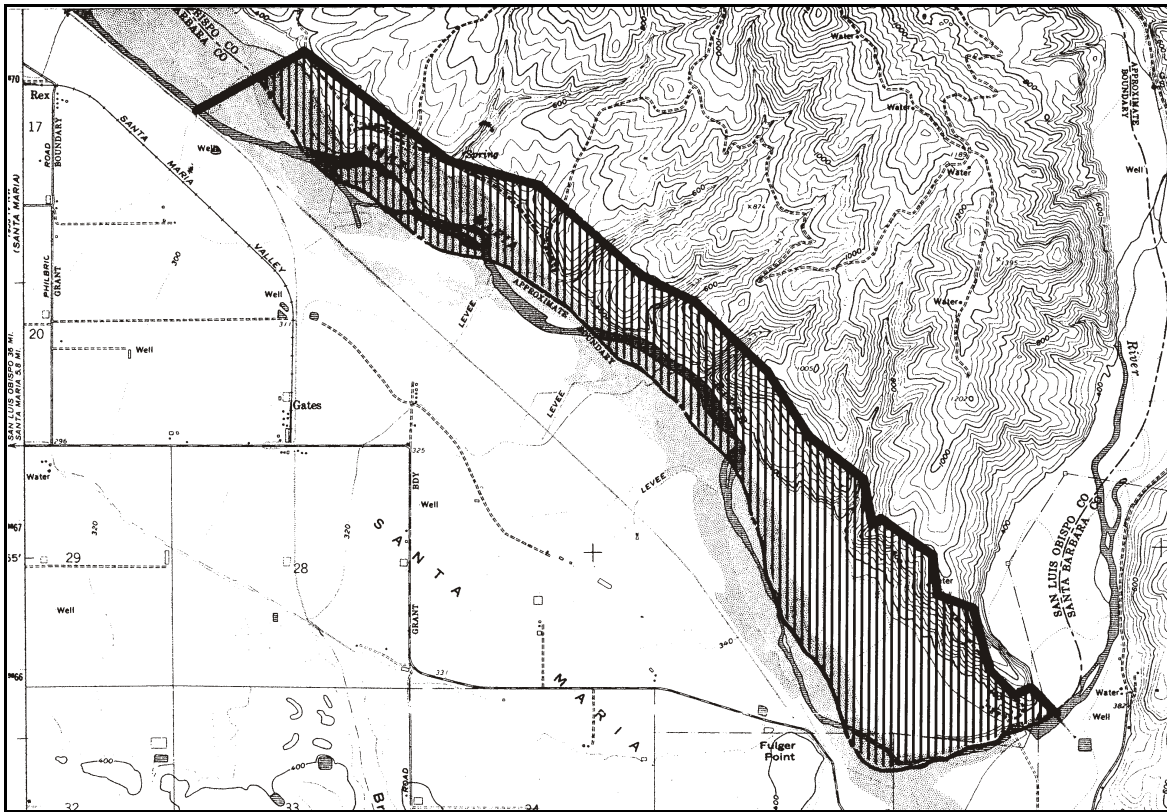


Figure 98-4 - Santa Maria and Sisquoc Rivers Specific Plan

2. **New mining operations.** Proposals for new mining operations located in the EX-1 Combining Designation shall apply for and fund appropriate amendments to update the existing Santa Maria and Sisquoc Rivers Specific Plan. Where a substantial change to the operation of a mine with a vested right is proposed (as described in Chapter 22.36, and as provided by Public Resources Code (PRC) Section 2776), the operation will be considered a new mining operation and a new land use permit and reclamation plan shall be required.
3. **Review of proposed operations on prime agricultural land.** Land use permits for mining on prime agricultural land (as defined in Government Code Section 51201) are subject to review and recommendations by the Agricultural Preserve Review Committee or its equivalent prior to review and approval by the Commission.

- a. **Access limitation.** Road access to new and existing parcels shall be from local streets above the canyon rim, except that below the canyon rim, access from adjacent parcels may be to a possible public road crossing of the canyon if no other access is feasible.
- b. **Limitations on improvements.** No permanent structures, impervious surfacing, grading, removal of natural vegetation, sewage disposal systems or water wells are allowed below the canyon rim except as provided by Subsections E.1.d through E.1.f. A determination of whether proposed activities will extend below the canyon rim shall be made by the Department as individual applications are reviewed.
- c. **Setbacks.** Maintain at least a 20-foot building setback from the rim of the canyon.
- d. **Environmental review for new water well permits.** All applications to permit the drilling of new water wells (excluding the replacement or reconstruction of existing legal nonconforming wells) below the rim of the canyon and outside the Sensitive Resource Area boundary shall be subject to the environmental review procedures as contained in the County Environmental Quality Act Guidelines, and as required by the conditions of the negative declaration ED 81-08 for the County General Plan amendment G810519:2. The environmental review, with a completed environmental determination, shall be accomplished prior to the issuance of a well-drilling permit from the County Department of Public Health.
- e. **Location of new well sites.** New well sites shall be located a minimum 150 feet from the marsh vegetation. Access roads to the well site shall not impinge on the marsh site, and shall be located and limited in use as determined by the environmental review process.
- f. **Grading permit.** A grading permit, subject to the environmental review procedures contained in the California Environmental Quality Act and completed in compliance with Chapter 22.52, shall be required for any proposed grading activities or site disturbances that will occur below the rim of Black Lake Canyon outside of the Sensitive Resource Area boundary, including grading for agricultural uses. The grading permit application shall include a comprehensive erosion and sedimentation control plan utilizing soil erosion prevention and protection measures as recommended by the Natural Resources Conservation Service, and provision of a wildlife corridor of native vegetation extending from the canyon rim to the canyon bottom. The location and size of the corridor shall be determined through the environmental review process. Installation of permanent or temporary structures utilized for controlling drainage may be permitted within the Sensitive Resource Area designation only if such structures are approved as part of the approved sedimentation and erosion control plan.

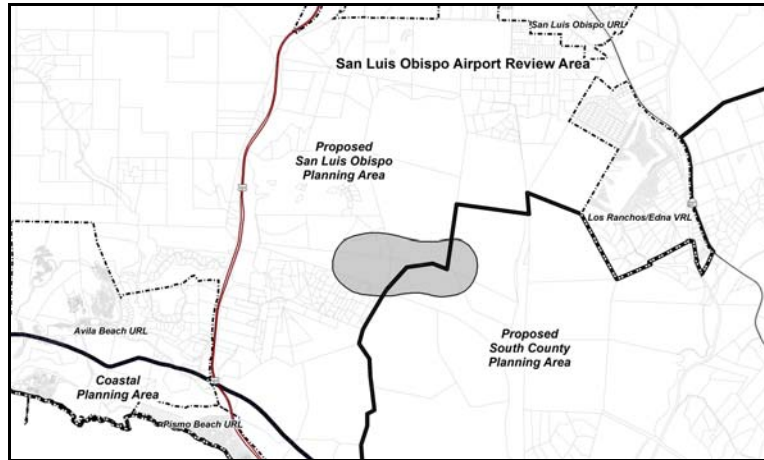


Figure 98-6: Indian Knob Mountainbalm SRA

3. **Lopez Lake.** The standards of this Section apply within the Agriculture and Rural Lands categories that are also within the Lopez Lake SRA.
 - a. **Limitation on use.** All land uses identified by Section 22.06.030 as allowable, permitted, or conditional within the applicable land use categories may be authorized within the Lopez Lake SRA, in compliance with the land use permit requirements of that Section, except that mining and related operations are only allowed to reclaim existing mines.
 - b. **Surface mining.** Applications for surface mining outside the Lopez Lake SRA, where applicable, shall include plans to reclaim and revegetate any existing mines or related excavations that are located within the SRA on the same site.
 - c. **Special requirements for residential development.**
 - (1) **Permit requirement.** Minor Use Permit approval is required for all new residential development involving structures and access road construction.
 - (2) **Application content.** All Minor Use Permit and Conditional Use Permit applications shall include a grading plan, erosion control plan, landscaping plan and architectural elevations. Applications shall also include a visual analysis of the project to show how the location and design of the project will mitigate its visual impact on the Lopez Lake Recreation Area. A visual analysis shall include topographic maps with lines of sight, cross Sections, photographs, or other supporting documentation to demonstrate that the project complies with the location and site development criteria of Subsections E.3.c(3) through E.3.c(5).
 - (3) **Building site limitation.** Wherever feasible on properties proposed for development, all building sites and access roads shall be located outside the SRA area, so as not to be visible from the recreation area.

- (4) **Location criteria.** If development cannot comply with Subsection E.3.c(3), compliance with the following location criteria shall be required:
 - (a) Structures shall be located away from exposed ridges or hilltops to areas of minimum visibility from the Recreation Area.
 - (b) Locate development to minimize grading for residences and access roads
 - (c) No development, including access roads, shall be permitted on slopes steeper than 30 percent.
 - (d) Locate access roads to have minimum feasible cross slopes and visibility.
 - (e) New access to development shall use existing roads wherever feasible.
- (5) **Site development criteria.**
 - (a) Utilize existing vegetation, topographic features and landscaping to screen the visibility of development.
 - (b) Residences shall be limited to a single story where necessary to reduce visibility.
 - (c) A maximum road cut of five feet shall be maintained wherever possible in visible areas.
 - (d) Altered slopes shall be replanted with native plant species.

d. Special requirements for oil and gas exploration and production facilities.

- (1) **Permit requirement.** Conditional Use Permit approval is required for oil and gas exploration and production facilities. Each application shall comply with the following criteria before acceptance.
- (2) **Application content.** Provide a visual analysis in the form of topographic maps with lines of sight, cross Sections, photographs and other supporting documentation that demonstrate that the project will mitigate the visual impact on Lopez Lake Recreation Area by compliance with the site location and development standards below.
- (3) **Location criteria.** Wherever possible, oil and gas exploration and production facilities shall locate outside the SRA boundary. Any application proposing facilities within the SRA area must demonstrate this need to do so through a combination of technical and economic analysis not including proprietary information to the industry. Exploration and production facilities shall not be allowed on unobstructed, visible hilltops or ridgelines. If a project cannot comply with this standard, it shall comply with the site development standards of Subsection E.3.d(4).

(4) Site development standards.

- (a) Proposed facilities shall be screened from view by existing topography, vegetation, earthen berms and/or solid fencing. Berms and fencing shall be buffered with specimen-sized evergreen vegetation.
- (b) Project site design shall include the maximum consolidation of facilities and minimal feasible heights, possibly including recessed or sunken features below existing grade.
- (c) Proposed access roads shall have the minimum feasible cross slopes and visibility, with a maximum road cut of five feet maintained wherever possible in visible areas. Prepare a grading, erosion control and landscaping plan, emphasizing vegetation to screen all visible cut and fill slopes.

4. **Los Padres Sub-area.** Within the Los Padres Sub-area, as shown in Figure 98-0, access to or through SRA areas shall be limited to existing roads, trails or to proposed trails shown on the latest Forest Service Off-Road Vehicle Plan. Any proposed changes in this plan should be submitted to the County and affected private property owners for review.

5. **Pismo Beach Hillside (SRA).** (See Figure 98-7)

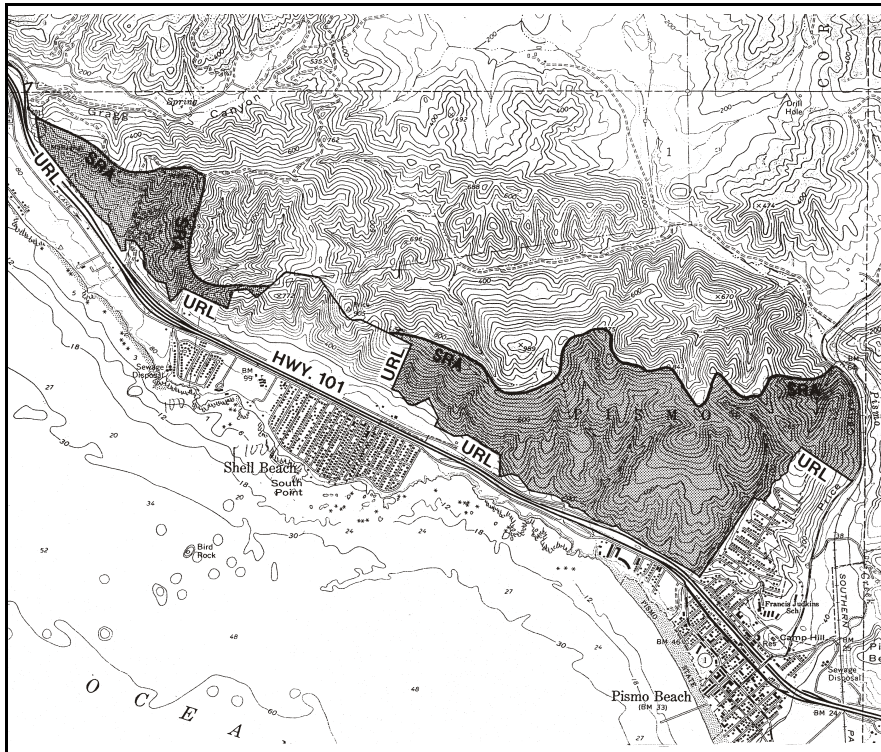


Figure 98-7: Pismo Beach Hillside Sensitive Resource Area

- a. **Permit requirement.** Conditional Use Permit approval is required for oil and gas production facilities. Each application shall comply with the following criteria before acceptance.
- b. **Application content.** Provide a visual analysis in the form of topographic maps with lines of sight, cross sections, photographs and other supporting documentation that demonstrate that the project will comply with the site development standards in Subsection C.3.e(3).
- c. **Site development standards.**
 - (a) Proposed facilities above the 200-foot elevation, including cut and fill banks, tanks, stacks, and chimneys shall be located so that at least 90 percent of the site is screened by existing topography from view within the City of Pismo Beach and Highway 101. Created topography and vegetation as detailed by plans can be considered to complete the existing "screening" using native vegetation where possible and conform to naturally occurring topographic trends. Exploration and production facilities shall not be allowed in the unobstructed visible hillside above the 200-foot elevation.
 - (b) Proposed access roads shall have the minimum feasible cross slopes and visibility, with a maximum road cut of five feet maintained wherever possible in visible areas. Prepare a grading, erosion control and landscaping plan, emphasizing vegetation to screen all visible cut and fill slopes.
 - (c) Any new application that proposes facilities at any site other than an existing developed location, must demonstrate through a combination of technical and economic analysis not including proprietary information to the industry that new facilities cannot be reasonably incorporated into existing developed locations.
 - (d) Steam generators and other venting equipment shall incorporate the best available technology to minimize the appearance of a smoke or steam plume.
 - (e) Steam generators and other equipment that cause smoke or steam, and production facilities for oil resources having high concentrations of sulphur compounds, shall not be emitted within 1,000 feet of a residence and the Pismo Beach City limits.
 - (f) Normal workover procedures should not exceed the average maintenance cycle, with the exception of breakdowns and emergencies that are verified to the Director through the Division of Oil and Gas' closest office to the well location.
- 6. **San Luis Bay Sub-area.** Within the San Luis Bay Sub-area, as shown in Figure 98-1, projects requiring Conditional Use Permit approval shall concentrate proposed uses in the least sensitive portions of properties. Native vegetation shall be retained as much as possible.

7. **Shandon-Carrizo Sub-area.** The following standards apply in the Shandon-Carrizo Sub-area, as shown in Figure 98-1.
- a. **BLM Wilderness Study Areas.** New development within BLM wilderness study areas is allowed only in accordance with the Federal Land Policy and Management Act of 1976.
 - b. **Off-Road Vehicles.** Off-road vehicles are prohibited except on designated trails in BLM lands.

[Amended 1982, Ord. 2096; 1983, Ord. 2157; 1984, Ord. 2206; 1985, Ord. 2215; 1997, Ord. 2800; Added 1998, Ord. 2847; Amended 2013, Ord. 3254; 2014, Ord. 3256]

22.98.030 – Huasna-Lopez Sub-area Standards

All development and new land uses in the Huasna-Lopez Sub-area, as shown on Figure 98-1, shall comply with the following standards where applicable.

- A. **Driveways - Land divisions.** New land divisions shall include, where possible, design provisions for combining driveways and private access roads from Lopez Drive where terrain and adequate sight distance permits.
- B. **Road design and construction.** New road alignments proposed in land division applications shall be designed and constructed to minimize terrain disturbance consistent with safety and construction cost. Altered slopes shall be replanted with indigenous plants or protected by other appropriate erosion control measures.
- C. **Oil and gas exploration and production facilities.** The following standards shall apply to new oil and gas exploration and production facilities which propose truck traffic on Huasna Road and Huasna Townsite Road, in addition to the applicable standards in Article 3.
 - 1. All parking and loading activities related to well drilling or test production shall occur on-site.
 - 2. Large trucks (three or more axles) serving the site with equipment deliveries and oil transport shall be limited to specific times as determined by permit approval.
 - 3. Large trucks either traveling singly or in groups shall be preceded by a convoy vehicle equipped with warning devices. The convoy area shall be between U.S. Highway 101 and the site.

[Amended 2014, Ord 3256]

22.98.032 – Land Use Category Standards for the Huasna-Lopez Sub-area

All development and new land uses in the Huasna-Lopez Sub-area, as shown in Figure 98-1, shall comply with the following standards, as applicable to each land use category.

A. Rural Lands (RL). The following standards apply within the Rural Lands land use category.

1. **Limitation on use.** All land uses identified by Section 22.06.030 as allowable, permitted, or conditional uses within the RL land use category may be authorized in compliance with the land use permit requirements of that Section except correctional institutions, off-road vehicle courses and residential care facilities.
2. **Minimum parcel size - Alisos Road.** For the Rural Lands property on Alisos Road, the minimum parcel size for calculating density of new land divisions shall be 80 acres unless a larger minimum size is required by Chapter 22.22.

[Amended 2014, Ord 3256]

22.98.040 – Los Padres Sub-area Standards

All development and new land uses in the Los Padres Sub-area, as shown on Figure 98-1, shall comply with the following standards where applicable.

A. The County shall refer all land divisions proposed within the Los Padres Sub-area to the U.S. Forest Service for review.

[Amended 2014, Ord 3256]

22.98.050 – San Luis Bay Sub-area Standards

All development and new land uses in the San Luis Bay Sub-area, as shown on Figure 98-1, shall comply with the following standards where applicable.

A. Planning impact areas. The following standards apply within the cities of Arroyo Grande and Grover Beach planning impact areas, shown in Figure 98-8. Area "A" is an impact area for both cities; Area "B" is an impact area for Arroyo Grande.

1. **Application referral.** Applications for discretionary land use permits, land divisions or General Plan amendments within the planning impact areas for the cities of Grover Beach and Arroyo Grande shall be referred by the County to the appropriate city or cities for review and comment.
2. **Development impacts.** The County shall address potential impacts, including cumulative impacts, that are associated with impacts to water quantity and quality, drainage, erosion and downstream sedimentation, and traffic and circulation as critical subjects for additional evaluation as part of the environmental review process.

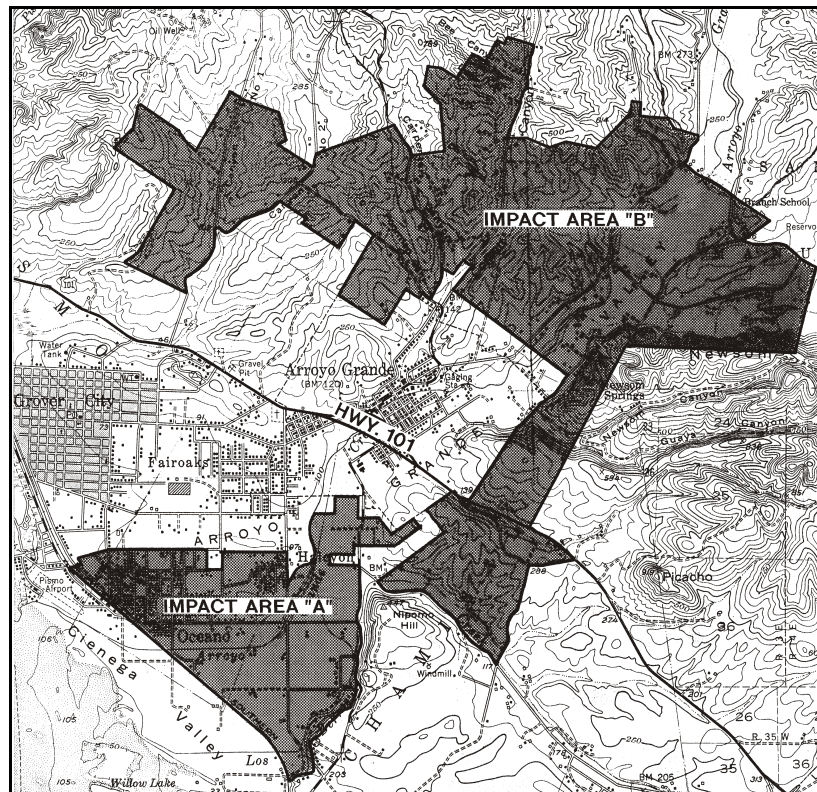


Figure 98-8: Planning Impact Areas "A" and "B"

B. Circulation standards.

1. **Areawide systems - Conditional Use Permit projects.** Projects requiring Conditional Use Permit approval shall be integrated into areawide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible or where known areawide rights-of-way are planned.
2. **Driveways - New land divisions.** Where possible, new land divisions shall be designed to combining driveways and private access roads serving proposed parcels wherever terrain and adequate sight distance on the public road allow.
3. **Pedestrian and bikeways - New land divisions.** Provide for safe and site-sensitive pedestrian and bike circulation facilities in the design of roads for new subdivisions where feasible.
4. **Road design and construction - New land divisions.**
 - a. **Site disturbance.** Road alignments proposed in new land division applications shall be designed and constructed to minimize terrain disturbance consistent with safety and construction cost. Altered slopes shall be replanted with indigenous plants or protected by other appropriate erosion control measures.

- b. **Circulation.** New land divisions adjacent to the city limits of an incorporated city shall be designed to include offers-to-dedicate for roads connecting with the city such that the street right-of-way widths will reasonably correspond to those required under City standards. Appropriate transitions in road improvements shall be provided between City and County roads adjacent to the City limits. In addition, logical existing or future street connections to City streets shall be provided to encourage an efficient circulation system.
- C. **Site planning on sloping sites - Conditional Use Permit projects.** Projects requiring Conditional Use Permit approval on sites with varied terrain shall include design provisions for concentrating developments on moderate slopes, retaining steeper slopes visible from public roads undeveloped.
- D. **Utility Services - Undergrounding requirement for Conditional Use Permit projects.** All projects requiring Conditional Use Permit approval shall provide for utilities being placed underground unless the Commission determines either that: the proposed development will be of low intensity or in an isolated location; or that supporting overhead utilities will not be visible from public roads; or that overriding operational, economic or site conditions of the project warrant waiver of this requirement.
- E. **Arroyo Grande and Cienega Valleys - Limitation on use.** Within the Arroyo Grande and Cienega Valleys (see Figure 106-2), land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: agricultural accessory structures; crop production and grazing; animal keeping; farm support quarters; single-family dwellings; mobile homes; temporary dwellings; roadside stands; outdoor retail sales; public safety facilities; pipelines and transmission lines.

[Amended 1983, Ord. 2133; 1989, Ord. 2399; 1993, Ord. 2646; 2014, 3256]

22.98.052 – Land Use Category Standards for the San Luis Bay Sub-area

All development and new land uses in the San Luis Bay Sub-area, as shown in Figure 98-0, shall comply with the following standards, as applicable to each land use category.

- A. **Rural Lands (RL).** The following standards apply within the Rural Lands land use category.
 - 1. **Oak Park Road - Proposed private school.** Development of the private school on Oak Park Road east of Highway 101 (Parcel C of CO 78-249) shall include water conservation measures both indoors and outdoors. Water conservation measures shall be maximized to the greatest extent feasible. Conditions shall be applied at the time of the land use permit approval to address water conservation. Additionally, the following requirements shall apply:
 - a. A meter shall be provided on all wells. The Landowner shall report water usage information annually to the County.

- b. The Landowner shall retain and reserve all groundwater, and all appropriate, prescriptive, contractual or other water rights appurtenant to the Property, in perpetuity, as follows:
- (1) On-site groundwater resources shall not be used as a municipal water source.
 - (2) The Landowner shall not transfer, assign, encumber, lease, sell, or otherwise separate such quantity of water or water rights from the Property's title. No separation of water or water rights shall be permitted.
 - (3) All water shall be retained for use on the Property itself.

This restriction shall be enforceable by the County in perpetuity and memorialized through the recordation of mitigation agreement in a form acceptable to County Counsel prior to issuance of grading and/or construction permits. To initiate this process, the applicant shall submit a recent (within six months) title report or lot book guarantee to the Department of Planning and Building at the time of application for grading and/or construction permits.

B. Residential Rural (RR). The following standards apply within the Residential Rural land use category.

1. **Alisos Road.** The following standards apply to the site as shown in Figure 98-9 as Alisos Road area A and B.

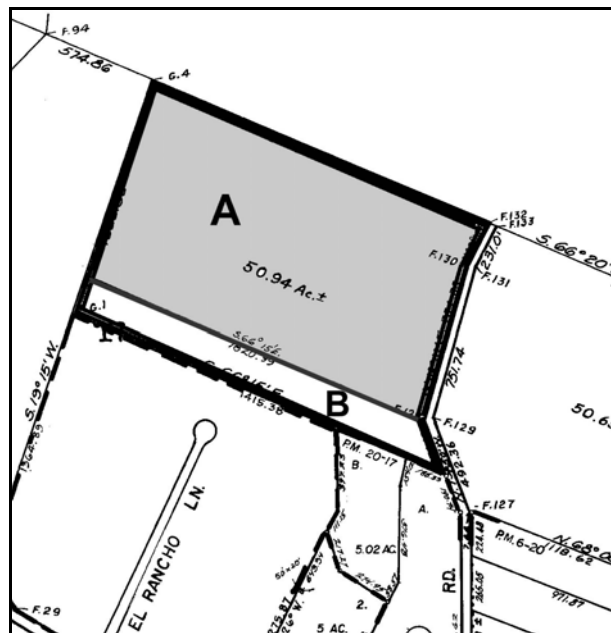


Figure 98-9: RR - Alisos Road

- a. **Parcel size.** The minimum parcel size for new land divisions in Alisos Road areas A and B shall be 10 acres unless Chapter 22.22 would otherwise require a larger minimum parcel size.
- b. **Density limitation.** Residential density in Alisos Road area A shall be limited to a maximum of one primary single family residence for each 10 acre parcel. No secondary residences shall be allowed.
- c. **New land divisions.**
 - (1) New divisions in Alisos Road area A shall share the existing driveway access.
 - (2) An open space easement shall be recorded that covers all prime soils and riparian vegetation prior to recordation of the final parcel or tract map.

C. **Residential Suburban (RS).** The following standards apply within the Residential Suburban land use category.

- 1. **Tract 1256.** The following standards apply only to the Residential Suburban category in Tract 1256 south of Arroyo Grande (see Figure 98-10).



Figure 98-10: Tract 1256

- a. **Parcel size.** The minimum allowable parcel size for new land divisions is 2.5 acres, unless Chapter 22.22 would otherwise require larger sizes.

[Amended 1986, Ord. 2257; Added 2003, Ord. 3003; Amended 2006, Ord. 3097; 2010, Ord. 3206; 2014, Ord. 3256]

22.98.054 - Arroyo Grande Fringe Standards

The following standards apply within the area of the Arroyo Grande Fringe (within the San Luis Bay Sub-area and identified in the South County Planning Area maps) to the land use categories or specific areas listed, in addition to the San Luis Bay Sub-area standards. The area standards respect and mitigate special site potentials and constraints, ensure new land divisions compatibility with present and potential adjacent land uses within the context of the area's suburban character and ensure that developments are designed to provide safe vehicular movement.

A. Residential Rural (RR). The following standards apply within the Residential Rural land use category.

1. **Limitation on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional uses in the RR land use category may be authorized in compliance with the land use permit requirements of that Section, except farm equipment and supplies; animal facilities; small-scale manufacturing; correctional institutions; and airfields and landing strips.
2. **New land divisions.**
 - a. New divisions of parcels fronting Highway 227 shall be designed so that access to homesites is from a local internal street rather than directly to the state highway.
 - b. Prior to acceptance of an application for land division as complete, the applicant shall provide information to demonstrate to the satisfaction of the Director, in consultation with, the Director of Environmental Health and the Environmental Coordinator that: (1) adequate groundwater resources are available to serve the proposed land division and (2) each proposed parcel can accommodate an individual sewage disposal system. The results of this information shall be incorporated into the design and proposed density of the land division.

B. Residential Suburban (RS). The following standards apply within the Residential Suburban land use category.

1. **Limitation on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional in the RS land use category may be authorized in compliance with the land use permit requirements of that Section, except nursing and personal care, and correctional institutions.
2. **Animal facilities.** Land use permit applications for animal facilities shall address and mitigate any identified impacts of erosion and downstream sedimentation that would be caused by the establishment of the facilities.

3. **New land divisions.** Prior to acceptance of any application for land division as complete, the applicant shall provide information to demonstrate to the satisfaction of the Director, in consultation with, the Director of Environmental Health that: (1) adequate groundwater resources are available to serve the proposed land division and (2) each proposed parcel can accommodate an individual sewage disposal system. The results of this information shall be incorporated into the design and proposed density of the land division.

[Amended 1993, Ord. 2646; 2014, Ord. 3256]

22.98.056 - Arroyo Grande Urban Area Standards

The following standards apply within the City of Arroyo Grande urban reserve line (but outside the city limits) to the land use categories or specific areas listed.

- A. **Residential Single-Family (RSF).** The following standards apply within the Residential Single-Family land use category.
 1. **Annexation required.** The areas at the end of Woodland Drive and along Farroll Avenue shall be annexed to the City of Arroyo Grande prior to any development requiring extension of City services.
 2. **Development standards.** All proposed developments shall comply with applicable on and off-site improvement standards of the City of Arroyo Grande.
- B. **Residential Multi-Family (RMF) - Density limitation.** Within the Residential Multi-Family land use category, new residential uses shall exceed a maximum density of 26 units per acre.

[Amended 2014, Ord. 3256]

22.98.058 - Pismo Beach Urban Area Standards

The following standards apply within the city of Pismo Beach urban reserve line (but outside the city limits) to the land use categories or specific areas listed.

- A. **Combining Designations - Pismo Beach Hillsides (SRA).**
 1. **Permit requirement.** Conditional Use Permit approval is required for oil and gas production facilities. Each application shall comply with the site development standards in Subsection B.3 before acceptance.
 2. **Application content.** Provide a visual analysis in the form of topographic maps with lines of sight, cross Sections, photographs and other supporting documentation that demonstrate that the project will comply with the site development standards in Subsection B.3.

3. Site development standards.

- a. Facilities proposed above the 200-foot elevation, including cut and fill banks, tanks, stacks, and chimneys shall be located so that at least 90 percent of the site is screened by existing topography from view within the City of Pismo Beach and Highway 101. Created topography and vegetation as detailed by plans can be considered to complete the existing screening using native vegetation where possible and conform to naturally occurring topographic trends. Exploration and production facilities shall not be allowed in the unobstructed visible hillside above the 200-foot elevation.
- b. Proposed access roads shall have the minimum feasible cross slopes and visibility, with a maximum road cut of five feet maintained wherever possible in visible areas. Prepare a grading, erosion control and landscaping plan, emphasizing vegetation to screen all visible cut and fill slopes.
- c. Any new application that proposes facilities at any site other than an existing developed location, must demonstrate through a combination of technical and economic analysis not including proprietary information to the industry that new facilities cannot be reasonably incorporated into existing developed locations.
- d. Steam generators and other venting equipment shall incorporate the best available technology to minimize the appearance of a smoke or steam plume.
- e. Steam generators and other equipment that cause smoke or steam, and production facilities for oil resources having high concentrations of sulphur compounds, shall not be emitted within 1,000 feet of a residence and the city limits of Pismo Beach.

B. Agriculture (AG) - Location criteria. Any development proposed within the Agriculture land use category shall be located on slopes less than 30 percent.

[Amended 1985, Ord. 2215; 2014, Ord. 3256]

22.98.060 - San Luis Obispo Sub-area Standards

All development and new land uses in the San Luis Obispo Sub-area, as shown on Figure 98-0, shall comply with the following standards where applicable.

- A. Undergrounding - Conditional Use Permit projects.** All projects requiring Conditional Use Permit approval shall provide for utilities being placed underground unless the Commission determines either that the proposed development will be of low intensity or in an isolated location; or that supporting overhead utilities will not be visible from public roads; or that overriding operational, economic or site conditions of the project warrant waiver of this requirement.

- B. Planning Impact Areas.** The following standards apply to land within the planning impact areas of the cities of San Luis Obispo and Pismo Beach, and the community of Los Osos. The planning impact area for the City of San Luis Obispo includes the entire San Luis Obispo Sub-area of the San Luis Obispo Planning Area and the San Luis Obispo Sub-area of the South County Planning Area as shown on the Official Maps. The planning impact areas for the City of Pismo Beach, and the community of Los Osos are shown in Figure 98-11. Please refer to the areawide standards in Chapter 7 of the Estero Area Plan to see the remainder of the planning impact area for Los Osos.

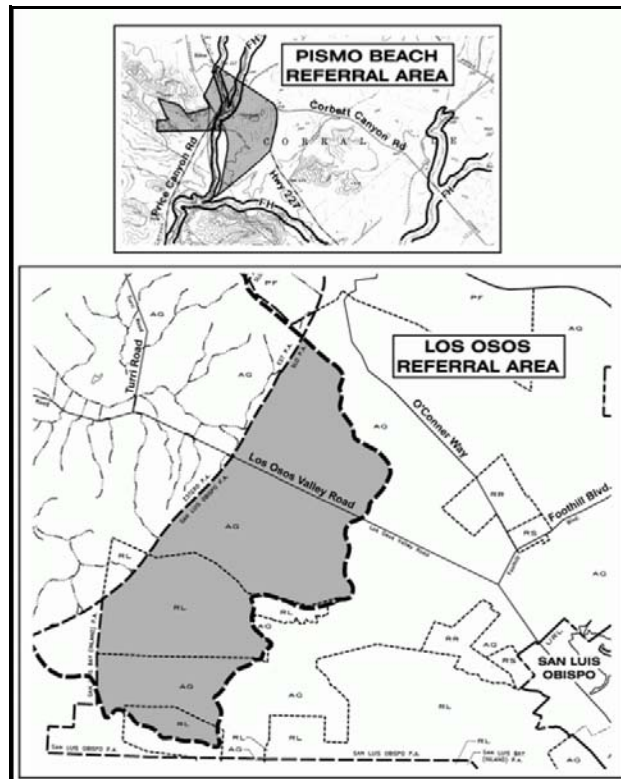


Figure 98-11: Referral areas for Los Osos and the City of Pismo Beach

1. **Application referral - Cities of San Luis Obispo and Pismo Beach.** Applications for discretionary land use permits, land divisions, or General Plan amendments shall be referred by the County to the City of San Luis Obispo and (if in its planning impact area) to the City of Pismo for review and comment. The County shall consider requiring improvements and/or offers of dedication from projects where there is an appropriate and feasible connection between the proposed development and the improvement, subject to the following:
 - a. Required improvements and/or dedications may include, but are not limited to, future streets in compliance with a city's General Plan, sewer lateral extensions from project septic systems (or other sewage disposal systems) to facilitate connection to a sewer system after annexation by a city or other public agency that will provide a community sewage disposal system, water system extensions, drainage improvements or other necessary public improvements.

- b. Street improvements and offers of dedication shall be made to either City or County standards, depending upon the scale and location of the proposed development.
- 2. **Application referral - Los Osos.** Applications for discretionary land use permits, land divisions, or general plan amendments within the planning impact area for Los Osos shall be referred by the County to the Los Osos Community Advisory Council or its successor for review and comment.
- C. **Open space preservation.** The following standards apply to land where important physical, biological, visual or historic resources are identified both on-site and on adjacent properties, to offer incentives and encourage such measures as cluster land divisions that will leave such resources in permanent open space. As mentioned in Chapter 4 of the San Luis Obispo Area Plan, other incentives include agricultural preserves and transfer of development credits.
 - 1. **Cluster land division incentive.** Cluster divisions of land may utilize an open space parcel area that is smaller than otherwise required by Chapter 22.22 where an important biological habitat, riparian creek corridor, scenic view or historic place is identified and protected through the application's review process on a case-by-case basis. The size of the open space area may be determined by a biological, visual or other applicable analysis of the area in question. The open space parcel shall be sufficient in size to preserve the resource.
 - 2. **Lot Line Adjustments.** In instances where land that is intended for development includes more than one legal lot, the lot lines may be adjusted to concentrate development in suitable areas and leave other areas undeveloped and subject to open space or conservation easements.
- D. **Production agricultural areas.** New development shall be designed to minimize the loss of existing and potential production agricultural areas by the placement of buildings and new parcels outside the most agriculturally capable areas. For the purposes of this standard, production agricultural areas consist of prime soils (Class I and II irrigated soils according to the U.S. Natural Resource Conservation Service) and other areas capable of agricultural production which primarily consist of Class III and IV soils, but may also include productive areas with Class VI soils.

[Amended 2004, Ord. 3047; 2014, Ord. 3256]

22.98.062 – Land Use Category Standards for the San Luis Obispo Sub-area

All development and new land uses in the San Luis Obispo Sub-area, as shown in Figure 98-0, shall comply with the following standards, as applicable to each land use category.

- A. **Rural Lands (RL) - Limitation on use.** All land uses identified by Section 22.06.030 as allowable, permitted, or conditional in the Rural Lands land use category may be authorized in compliance with the land use permit requirements of that Section, except residential care, correctional institutions, and uses listed by Table 2-2, Section 22.06.030 in the Industry, Manufacturing and Processing use group.

B. Residential Rural (RR). The following standards apply within the Residential Rural land use category.

1. **Driveways - New land divisions.** New land divisions shall include, where possible, design provisions for combining driveways and private access roads serving proposed parcels wherever terrain and adequate sight distance on the public road allow.
2. **Parcel size.** The minimum parcel size for new land divisions size shall be 10 acres unless a larger minimum size would otherwise be required by Chapter 22.22.
3. **Tiffany Ranch Road area.** The following standards apply to the Tiffany Ranch Road area as shown in Figure 98-12.

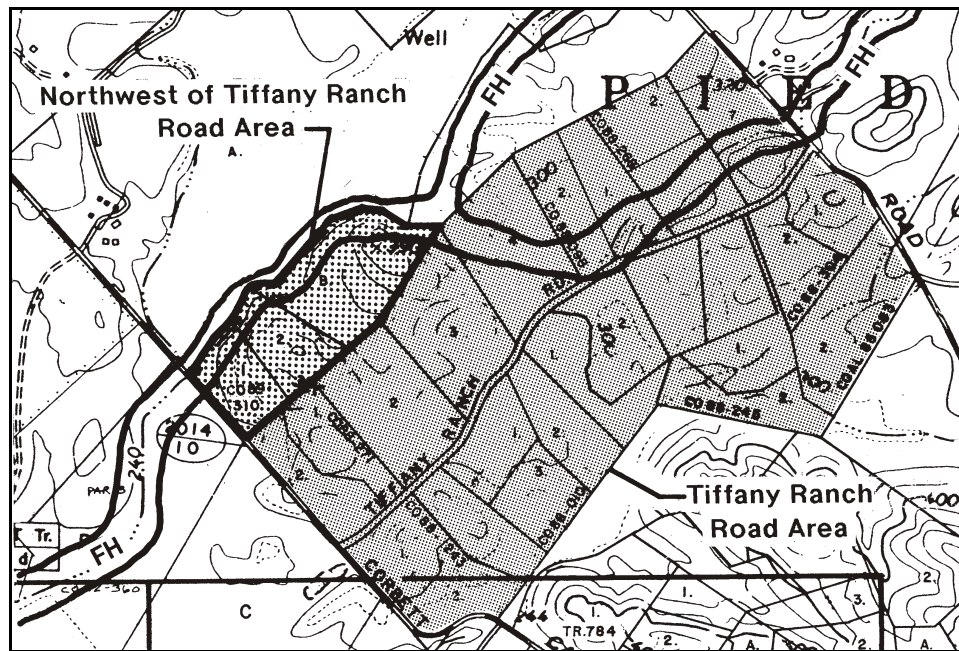


Figure 98-12: Tiffany Ranch Road area

- a. **Residential density.** The maximum allowable residential density for parcels less than 20 acres is one primary dwelling, one guesthouse and one caretaker's residence.
- b. **Architectural committee.** No grading, building or land use permit shall be issued, and no tract or parcel map or lot line adjustment shall be approved or recorded until the applicant has filed with the Department certification that the Tiffany Ranch Association Architectural Committee, as it then exists and functions: 1) has reviewed pertinent plans and specifications; and 2) recommends approval or disapproval of such plans and specifications.

In the event the committee fails to make its recommendation within 30 days after the plans and specifications have been submitted to it, no recommendations will be required and the proposed plans and specifications shall be deemed to be favorably recommended. The Review Authority is not bound by any decision of the committee, and may grant permits and approvals under these provisions.

- c. **Limitation on use.** Land uses shall be limited to the following, in compliance with the land use permit requirements of Section 22.06.030: agricultural accessory structures; animal keeping; crop production and grazing; animal facilities (horse ranches and other equestrian facilities only); caretaker residences; home occupations; mobile homes; residential accessory uses; single-family dwellings; storage, accessory; and public utility facilities. Notwithstanding the provisions of this standard, it is the applicant's responsibility to ensure that any proposed land uses comply with the Tiffany Ranch covenants, conditions and restrictions (CC&Rs).
4. **Northwest of Tiffany Ranch Road area.** The following standards apply only to the area located northwest of the Tiffany Ranch Road area, as shown in Figure 98-13.

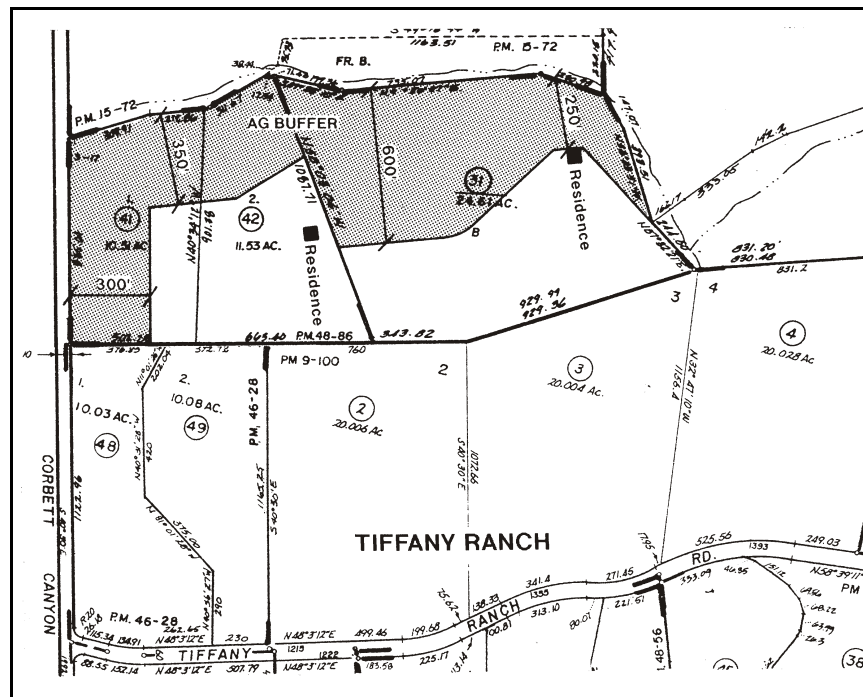


Figure 98-13: Agricultural Buffer Northwest of Tiffany Ranch Road Area

- a. **Limitation on use.** Land uses shall be limited to those specified for the Tiffany Ranch Road area in Subsection B.3.c.
- b. **Residential density.** The maximum allowable residential density for each parcel less than 20 acres in size is one primary dwelling, one guesthouse and one caretaker's residence.
- c. **Agricultural buffer.** New dwelling units shall be set back to provide a buffer from lands in the Agriculture land use category to the north, northeast, northwest, and southwest as shown in Figure 98-13.

[Amended 2007, Ord. 3121; 2014, Ord. 3256]

22.98.070 – South County Sub-area Standards

All development and new land uses in the South County Sub-area, as shown on Figure 98-0, shall comply with the following standards where applicable.

- A. **General sub-areawide standards.** The following standards apply to land both in the rural and community areas, in the land use categories and specific areas listed.
 - 1. **Compliance with a Countywide Design Plan.** After adoption of a countywide design plan, all proposed new developments, remodeling projects and subdivisions are to be in conformance with that plan.
 - 2. **Groundwater recharge areas.** New development shall be located to preserve existing natural drainage areas and aquifer recharge areas and shall incorporate natural drainage systems in new developments to aid in groundwater recharge.
- B. **Edge of the Nipomo Mesa.** The following standards apply to all land located on the edge of the Nipomo Mesa, including the area along Nipomo Creek. The edge of the Nipomo Mesa is defined as the point of change in topography where slope exceeds 15 percent descending directly from the Mesa to the Santa Maria, Cienega, Los Berros and Nipomo Valleys, shown in Figure 98-14. Moderate erosion impacts potentially occur on disturbed slopes of Oceano dune sand (which typifies the Nipomo Mesa) that are steeper than 15 percent.
 - 1. **Drainage plan requirement.** Land use permit and land division applications shall include a drainage plan in compliance with Chapter 22.52. The plan shall identify the point of change to 15 percent slope, in addition to other required drainage plan contents. The drainage plan requirement may be waived through an adjustment approved in compliance with Section 22.70.030, where a development will be located a sufficient distance from the bluff edge to be of no concern.

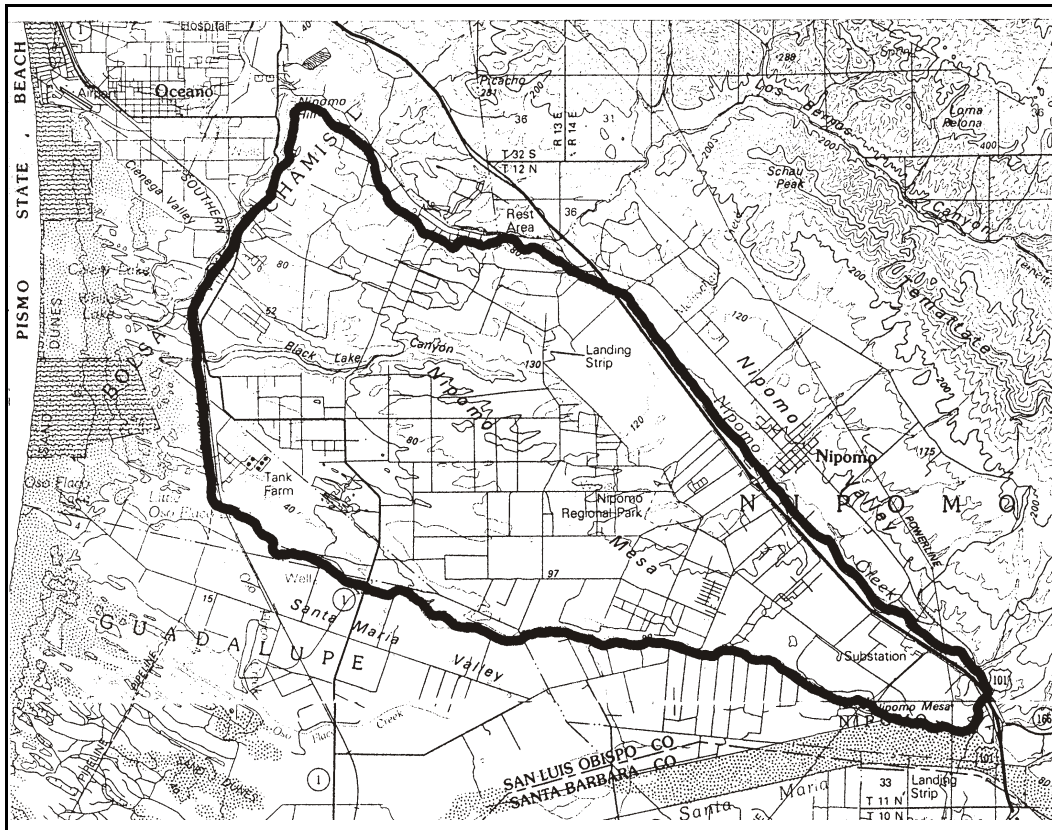


Figure 98-14 - Edge of Nipomo Mesa

2. **Standards for projects requiring Zoning Clearance or Site Plan Review.** Projects requiring Zoning Clearance or Site Plan Review shall be designed in compliance with the following standards, as illustrated in Figure 98-15. Projects that are unable to meet these requirements may be considered through Minor Use Permit review, with the applicant paying the difference in fees.
 - a. **Grading limitation.** Locate all grading, such as for building pads or access roads, away from slopes steeper than 15 percent on the bluff edge of the Nipomo Mesa to avoid erosion and visual impacts associated with grading, except for transmission lines and pipelines.
 - b. **Setbacks.** All new structures shall be set back at least 50 feet from the top edge and the toe of the slope bank to prevent slope failure. Structures are not permitted on the slope of the bluff face, except for transmission lines and pipelines.
 - c. **Drainage control.** Runoff created by new development shall be conveyed away from the bluff toward the interior of the Mesa. On-site or off-site retention/recharge basins shall be utilized for storage and infiltration of all runoff.

- d. **Septic system locations.** If a subsurface disposal system shall be located within 150 feet of the edge of the steeper bluff slopes (30 percent or greater), the system shall be designed to meet the Central Coast Basin Plan requirements for site suitability and the prevention of "daylighting" of effluent. This system must be approved by the Building Official prior to installation.

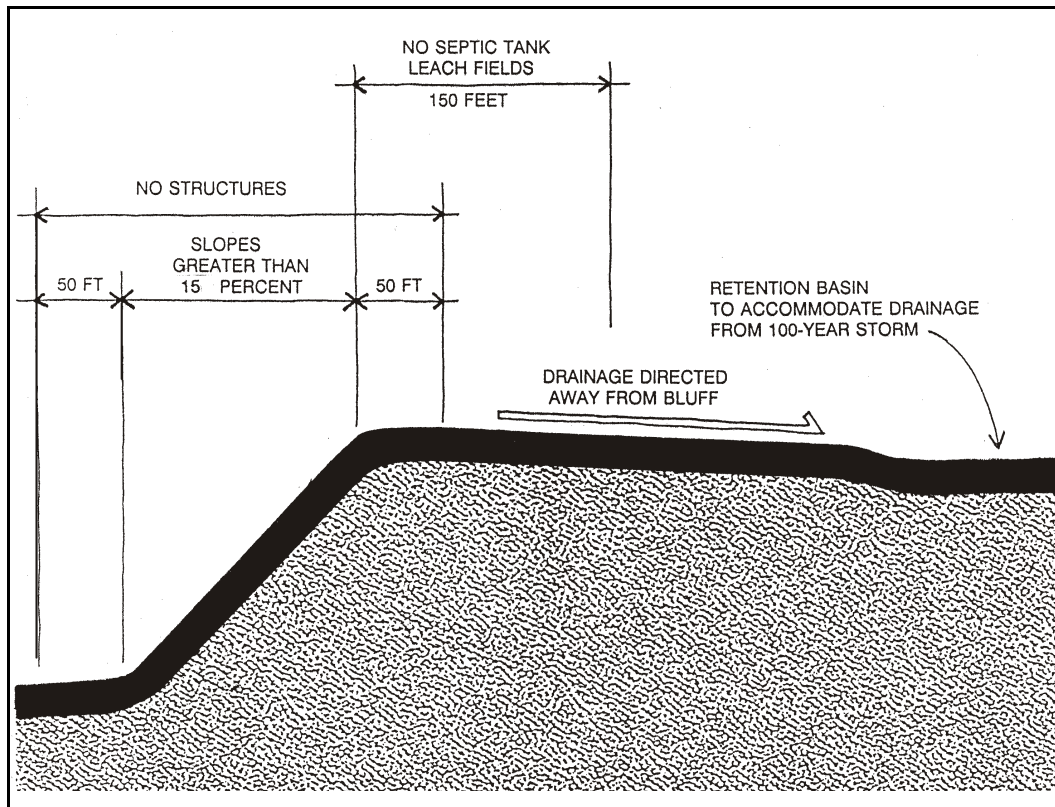


Figure 98-15 - Development Concepts - Edge of Nipomo Mesa

3. **Standards for projects requiring Minor Use or Conditional Use Permit and land division approval.** Minor Use Permit, Conditional Use Permit and new land division applications shall include proposals to address drainage requirements, erosion concerns and septic effluent issues. In addition, the proposal shall address visual, historical and environmental mitigation.

C. Circulation planning.

1. **Public right-of-way dedications.** Applications for land divisions or Conditional Use Permits shall provide an offer of dedication for public streets, bikeways and pathways where necessary to mitigate the impacts of the project and to implement the Circulation Element and the parks and Recreation Element.
2. **Pathways in new land divisions.** Land division applications that propose public pathways that are adjacent to the road may utilize the gross acreage to calculate the allowable number of parcels, instead of the net acreage as otherwise required by this Title.

3. Traffic noise mitigation. Noise-sensitive land uses that are proposed near collector, arterial streets and highways shall be reviewed for potential noise impacts and mitigated, if needed, in compliance with the Noise Element. Where feasible, possible mitigation measures shall be prioritized in the following order:

- a. Setbacks/open space separation;
- b. Site layout, orientation and shielding of noise sensitive uses with non-noise sensitive uses;
- c. Construction of earthen berms;
- d. Structural measures: acoustical treatment of buildings, walls.

D. Open space preservation - Cluster division incentive. This standard applies to land where important physical, biological or historic resources are identified both on-site and on adjacent properties, to encourage cluster land divisions that will leave the resources in open space areas. Clustered land divisions may utilize an open space parcel area that is smaller than otherwise required by Chapter 22.22 where an important biological habitat, such as an oak woodland or the Nipomo Creek corridor, or land near an historic site such as the Dana Adobe, is identified through the application's review process. The size of the open space area may be determined by a visual, biological or other applicable analysis of the area in question. The analysis shall identify the area that is necessary to maintain open space to preserve the features of the applicable resource.

Guideline: Retain land in open space in new land divisions that will preserve oak woodlands, riparian and other important biological habitats, and historic place surroundings.

E. Arroyo Grande Planning Impact Area. The following standards apply to land shown within the planning impact area of the City of Arroyo Grande, as shown in Figure 112-3, that has been identified as an area of critical concern.

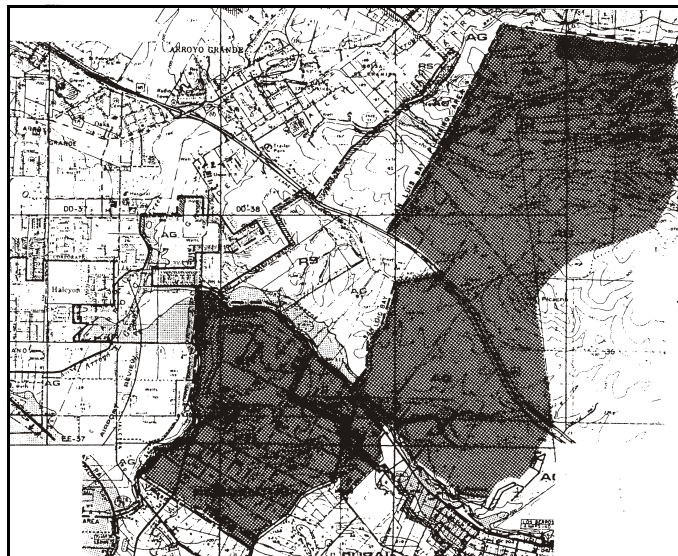


Figure 98-16: Arroyo Grande Planning Impact Area

1. **Application referral.** Discretionary permits, land divisions and General Plan amendment applications shall be referred to the City of Arroyo Grande for review and comment.
 2. **Development impacts.** Discretionary projects with potential impacts, including cumulative ones, that are associated with impacts to water quantity and quality, drainage, erosion and downstream sedimentation, traffic and circulation shall be addressed as critical subjects for additional review as part of the environmental review process.
 3. **Application content - New land divisions.** Applications for new land divisions shall comply with the applicable submittal requirements and development standards in the Real Property Division Ordinance (Title 21 of the County Code) with respect to water supply, drainage and grading, sewage disposal, road connections to city roads, and efficient neighborhood and areawide circulation
- F. **Nipomo Mesa Water Conservation Area.** The following standards apply to all land in the Nipomo Mesa Water Conservation Area shown in Figure 98-17.

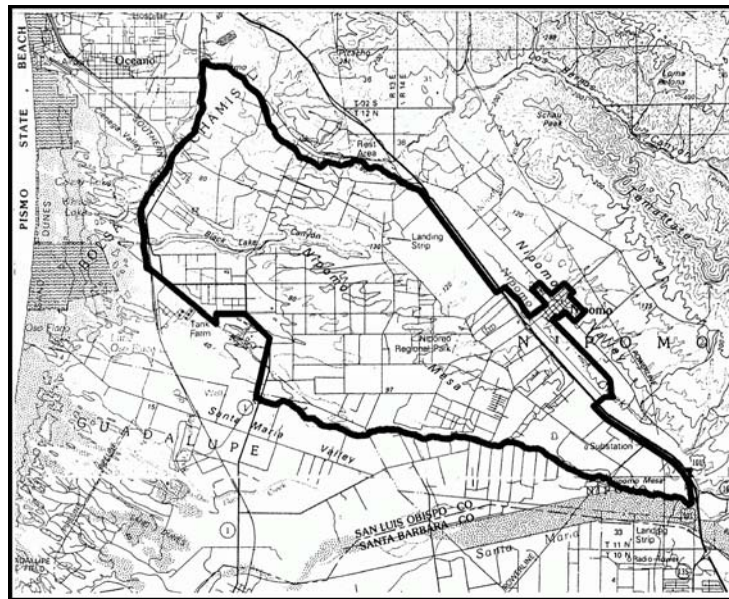


Figure 98-17 - Nipomo Mesa Water Conservation Area

1. **General Plan Amendments and land divisions.** Applications for general plan amendments and land divisions in the Nipomo Mesa Water Conservation Area shall include documentation regarding estimated existing and proposed non-agricultural water demand for the land division or development that could occur with the General Plan Amendment. If this documentation indicates that the proposed non-agricultural water demand exceeds the demand without the requested amendment or land division, the application shall include provisions for supplemental water as follows:

- a. **General Plan Amendments.** Where the estimated non-agricultural water demand resulting from the amendment would exceed the existing nonagricultural demand, the application shall not be approved unless supplemental water to off-set the proposed development's estimated increase in nonagricultural demand has been specifically allocated for the exclusive use of the development resulting from the general plan amendment, and is available for delivery to the Nipomo Mesa Water Conservation Area.
 - b. **Land Divisions.** Where the estimated non-agricultural water demand resulting from the land division would exceed the existing non-agricultural demand, a supplemental water development fee shall be paid for each dwelling unit or dwelling unit equivalent, at the time of building permit issuance, in the amount then currently imposed by county ordinance, not to exceed \$13,200. If the development resulting from the land division is subject to payment of supplemental water development fees to an entity other than San Luis Obispo County, the amount of these other fees shall be deducted from the County fee.
- 2. **Landscape standards.** The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area (NMWCA). Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:
 - a. **Public projects.** Development projects completed by a public agency that require a land use permit.
 - b. **Other projects.** All development projects not included in subsection 2a in and outside of urban and village reserve lines.
 - c. **Irrigation Systems.** Irrigation systems shall include the following components:
 - (1) **Smart controllers.** Irrigation controllers that are climatologically controlled without human intervention, that adjust irrigation based on the amount of moisture lost from soil and plant material since the previous irrigation by utilizing climate data (evapotranspiration rates) broadcast to the controller from the California Irrigation Management Information System and other sources, and that have been tested and certified 100% for irrigation adequacy and schedule shall be installed and maintained on all irrigated and landscaped areas.
 - (2) **Drip Irrigation.** Drip irrigation systems shall be utilized for all landscape plant material with the exception of turf.
 - (3) A separate meter for outdoor water; and
 - (4) An operating manual to instruct the building occupant how to use and maintain the water conservation hardware.

d. Turf area limits.

- (1) **Multi Family dwellings:** The site's total irrigated landscape area shall be limited to 300 square feet per unit.
- (2) **All other projects:** The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet. The review authority may approve exceptions to this requirement in order to allow the minimum amount of irrigated landscaped or turf area needed for schools, parks and other uses that typically require larger irrigated landscape areas when the applicant can demonstrate the need for the additional irrigated landscaped area based on the characteristics of the use and the site.

3. **Building Permits.** Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.07.042.

G. Circulation. The following standards apply to the circulation features proposed in applications for all discretionary land use permits including land divisions.

1. **Areawide circulation linkages.** All land division and Conditional Use Permit applications shall be integrated into areawide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible or where known areawide rights-of-way are planned.
2. **Driveways - New land divisions.** New land divisions shall include, where possible, design provisions for combining driveways and private access roads serving proposed parcels from collector or arterial roads wherever terrain and adequate sight distance on the public road allow.
3. **Equestrian, pedestrian and bike paths - Conditional Use Permits and New Land Divisions.** Safe and site-sensitive equestrian, pedestrian and bicycle circulation facilities shall be provided in projects subject to Conditional Use Permits and new land divisions where feasible either within the street right-of-way or in separated locations as illustrated in Figure 98-18 subject to the County Parks and Recreation Element. Unless determined to be infeasible or to result in significant effects on the environment, density may be calculated in such new land divisions on the basis of gross site acreage when such facilities are provided, instead of net site acreage as otherwise required by this Title.
4. **Road Design and Construction - New Land Divisions.** Road alignments proposed in new land division applications shall be designed and constructed to minimize terrain disturbance consistent with safety and construction cost. Altered slopes shall be replanted with indigenous plants or protected by other appropriate erosion control measures.

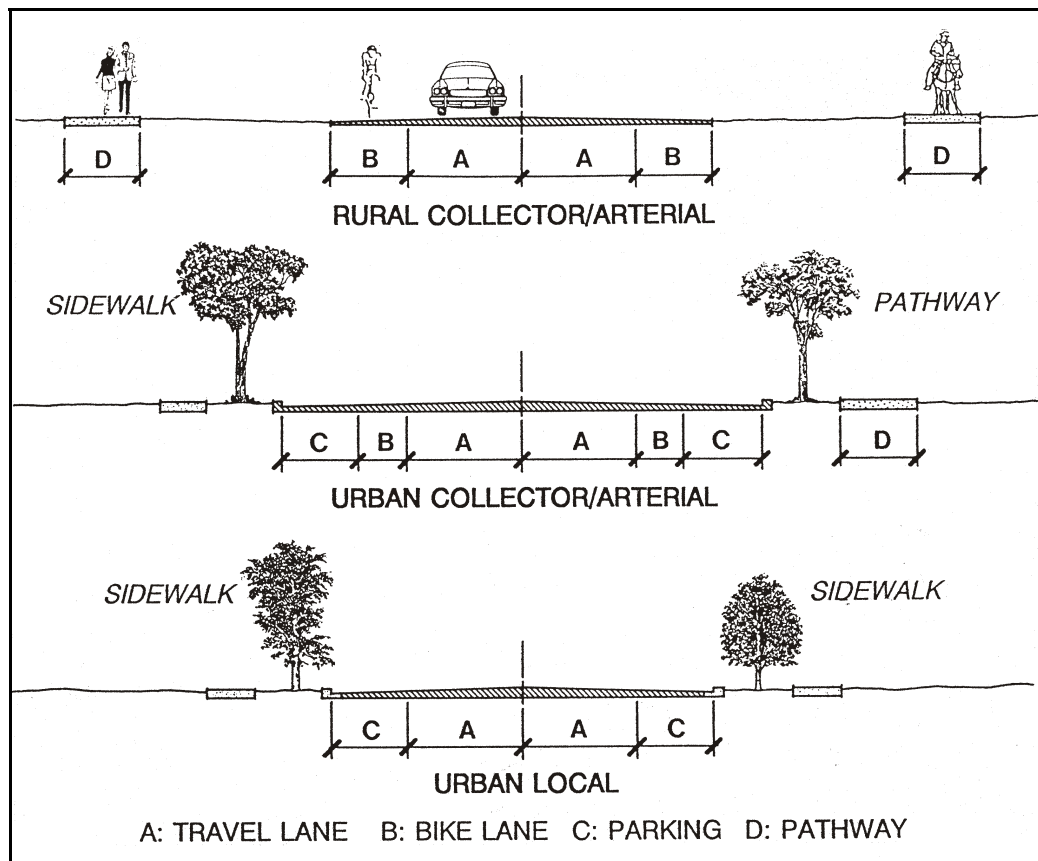


Figure 98-18 - Selected Street Improvements

H. Drainage. The following standards apply to all projects requiring discretionary land use permits including land divisions.

1. **Potential flooding within undrained depressions - New land divisions.** New land divisions located in the vicinity of undrained depressions shall designate building sites above the spill elevation of the depression; or, utilize the cluster division provisions of this Title to locate new parcels and building sites out of areas subject to flooding. (See Figure 98-19.) Where the enclosed depression is large and the above mechanisms are not feasible, prepare a detailed flood analysis for review and approval by the County Public Works Department to delineate the extent of the flood hazard and identify the areas for suitable building sites.
2. **Runoff toward the Nipomo Mesa edge.** Developments in areas that are found to potentially drain to the edge of the bluff shall be designed so that runoff will be contained by natural-appearing retention/recharge basins capable of accommodating a 100-year storm. The design of such basins may require percolation testing to establish rates of infiltration.

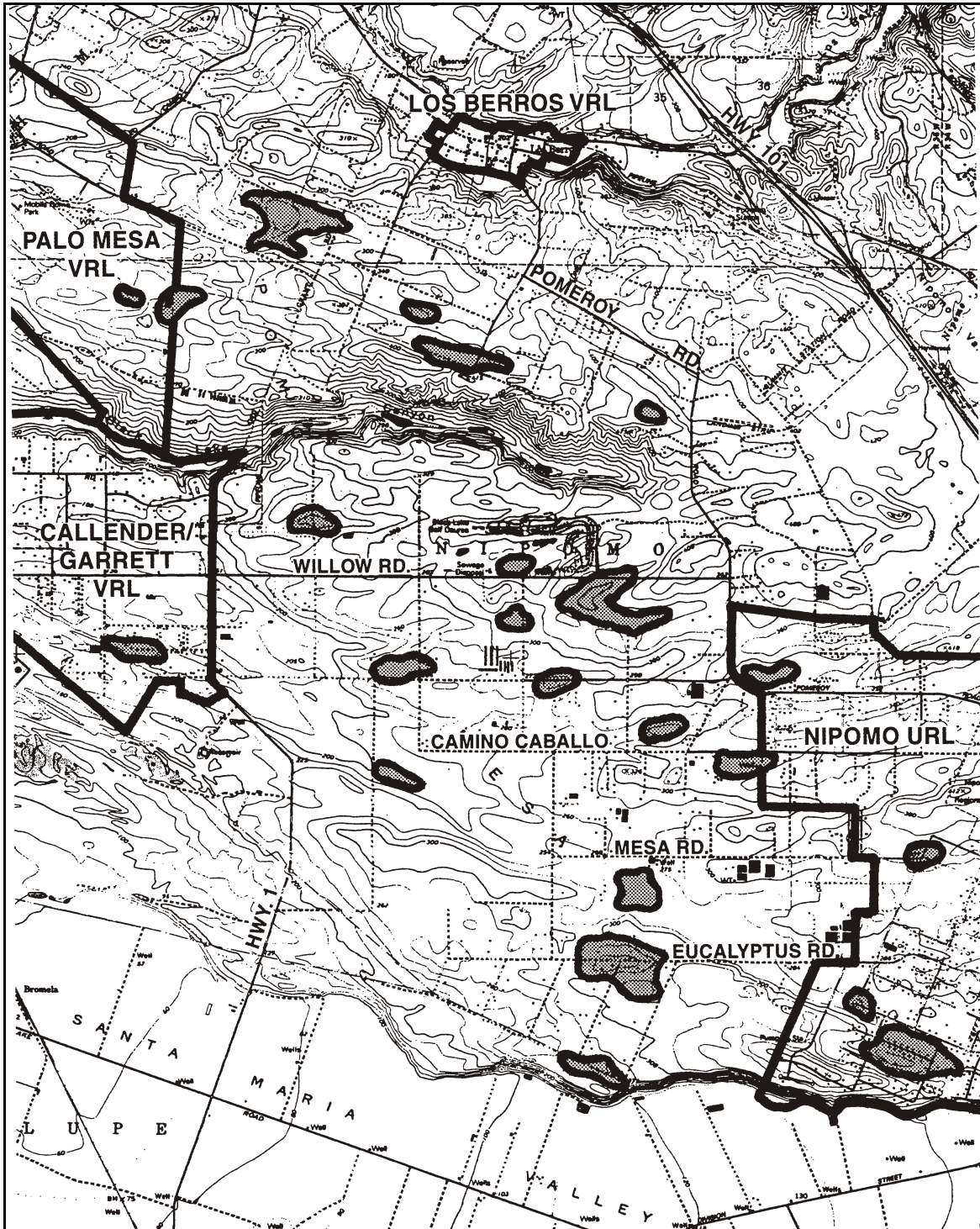


Figure 98-19 - Undrained Depression Areas

- I. Rural village.** The following standards apply to properties shown in Figure 98-20 for development of a prototype rural village. The village should be a concentration of development within a rural setting, offering a choice of housing types, basic services, community facilities and daily needs shopping. It may also offer specialized jobs appropriate to its character.

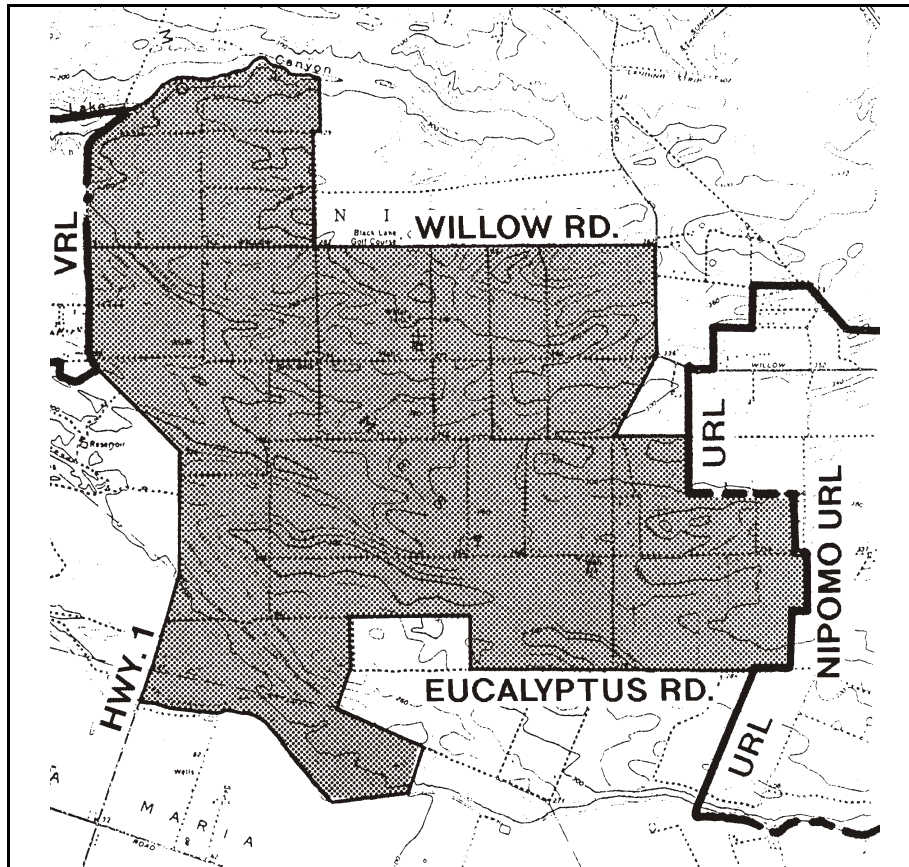


Figure 98-20 - Area in Which a Prototype Rural Village May Be Proposed

1. **Mix of land uses.** The village shall contain a mix of land uses that may include a sheltered postal center, community hall, large central park and other smaller recreation areas and facilities. A variety of residential housing types shall be provided, including affordable housing opportunities for the incomes of people who work within the South County planning area. Higher residential densities shall be located toward the village center where they should be mixed with nonresidential uses.
2. **Site planning.** The village shall have a compact arrangement of residential densities within a street and pedestrian path system that orients travel to a central core area and specific peripheral uses, as shown in Figure 98-21. Permanent open space should be utilized for agriculture, community recreation, circulation and as a buffer between other surrounding properties.

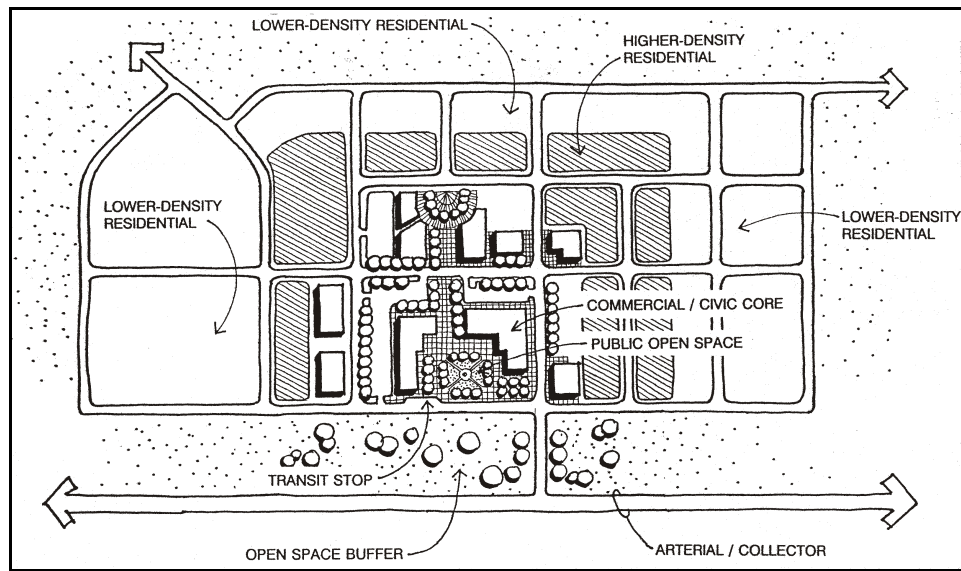


Figure 98-21 - Rural Village Concept

- a. **Core area.** The village should have a central core area located close to a collector or arterial street laid out to form an entrance and destination. A park or plaza should be located within the core area. Civic uses should be adjacent to the park or plaza, such as a self-serve post office, recreation and meeting building, workshops and offices. The core area should be attractive for gathering, meeting and lounging.
- b. **Circulation.** A system of connected streets shall provide alternative routes of travel from any one location. Use of slightly curving streets to create a changing perspective for visual interest is encouraged. Local streets should be narrower than standard County streets, if possible, to enhance the rural character of the village. The number of street connections to off-site arterial and collector roads shall be minimized. Streets shall be designed in blocks to maximize access by all modes of travel - automobile, bicycle and walking. Locate any transit stops within easy walking distance of all residents.
- c. **Residential areas.** Residential densities shall be higher adjacent to the core area and lowest at the periphery of the village. Residential design should be oriented to the street for pedestrian security.
- d. **Non-residential uses.** Non-residential uses should be developed at a scale that is appropriate to the village size and location. Civic structures should be provided in the core area, such as for postal services, recreation, meetings, eating, workshops and office work. Commercial structures shall be provided as determined to be feasible in the core area for grocery stores, restaurants, personal services, offices, small-scale manufacturing, general retail, social gatherings, and offices. Agriculture should be maintained and enhanced where feasible, and water conserving irrigation methods should be encouraged. Recreational uses and structures should be developed for residents and visitors, such as golf courses, equestrian facilities, linear parkways, parks, playgrounds and other open space uses.

3. **Open space.** Clustering of residential densities shall be accompanied with at least 60 percent of the parent site in private and/or dedicated public open space. A minimum 200-foot-wide open space buffer shall be provided adjacent to all arterial and collector perimeter roads and be landscaped to shield the improved village area. Golf course fairways, equestrian trails are potential open space uses. A community focal point such as a central park or plaza shall be provided. Smaller improved parks should be incorporated into neighborhoods. A network of continuous pedestrian, equestrian and bicycle paths should connect neighborhoods and centralized destinations.
4. **Specific Plan requirement.** A Specific Plan shall be prepared in compliance with Government Code Section 65450 under the guidance of the County upon the application and funding by property owner(s). The Specific Plan shall address both on and off-site issues concerning environmental constraints, site planning and development, financing of improvements and evaluation of the potential for a transfer of development credit (TDC) program.
5. **Scale and Intensity.** The Specific Plan shall determine the scale and intensity of residential and non-residential development that will be compatible with resources, public services, roads and facilities, and other destinations such as employment centers in the South County planning area. The evaluation of project size shall utilize an environmental constraints analysis as well as market feasibility and fiscal impact studies. The following subsections I.6 through I.11 provide primary factors for evaluating the appropriate size and density of a village.
6. **Constraints analysis.** A constraints analysis shall be prepared to address, but not be limited to, project market feasibility analysis, fiscal impact analysis and analysis of biological resources, cultural resources, agricultural resources, water supply and groundwater recharge, traffic, air quality and noise.
 - a. **Feasibility analysis.** An economic feasibility analysis shall be the basis of the whole project and should identify incentives that can be offered to business operators to help ensure their success. A feasibility analysis shall be the basis of the whole project, and for private commercial, office and service uses to meet the basic services and daily shopping needs of the village residents. It should identify incentives that can be offered to business operators to help ensure their success.
 - b. **Fiscal impact analysis.** An economic feasibility analysis shall be the basis of the whole project, and it should identify incentives that can be offered to business operators to help ensure their success in providing private commercial, office and service uses that will contribute to the basic daily service and shopping needs of the village residents.
 - c. **Open space provisions.** Designation of open space areas should be utilized to minimize impacts to and from affected commercial agricultural operations, important biologic resources and important historical and archaeological resources.

11. **Collector or arterial street access.** The village site should be located so that residents will be within walking distance (one-quarter to one-half mile) of a collector or arterial road, shown on the Circulation map.

[Amended 1997, Ord. 2800; Added 2006, Ord. 3090; Amended 2006, Ord. 3104; 2008, Ord. 3161; 2014, Ord. 3256]

22.98.072 – Land Use Category Standards for the South County Sub-area

All development and new land uses in the South County Sub-area, as shown in Figure 98-0, shall comply with the following standards, as applicable to each land use category.

A. Agriculture (AG). The following standards apply within the Agriculture land use category.

1. **Nipomo and Santa Maria (Oso Flaco) Valleys.** The following standard applies within the Nipomo and Santa Maria valleys (see Figure 98-22).

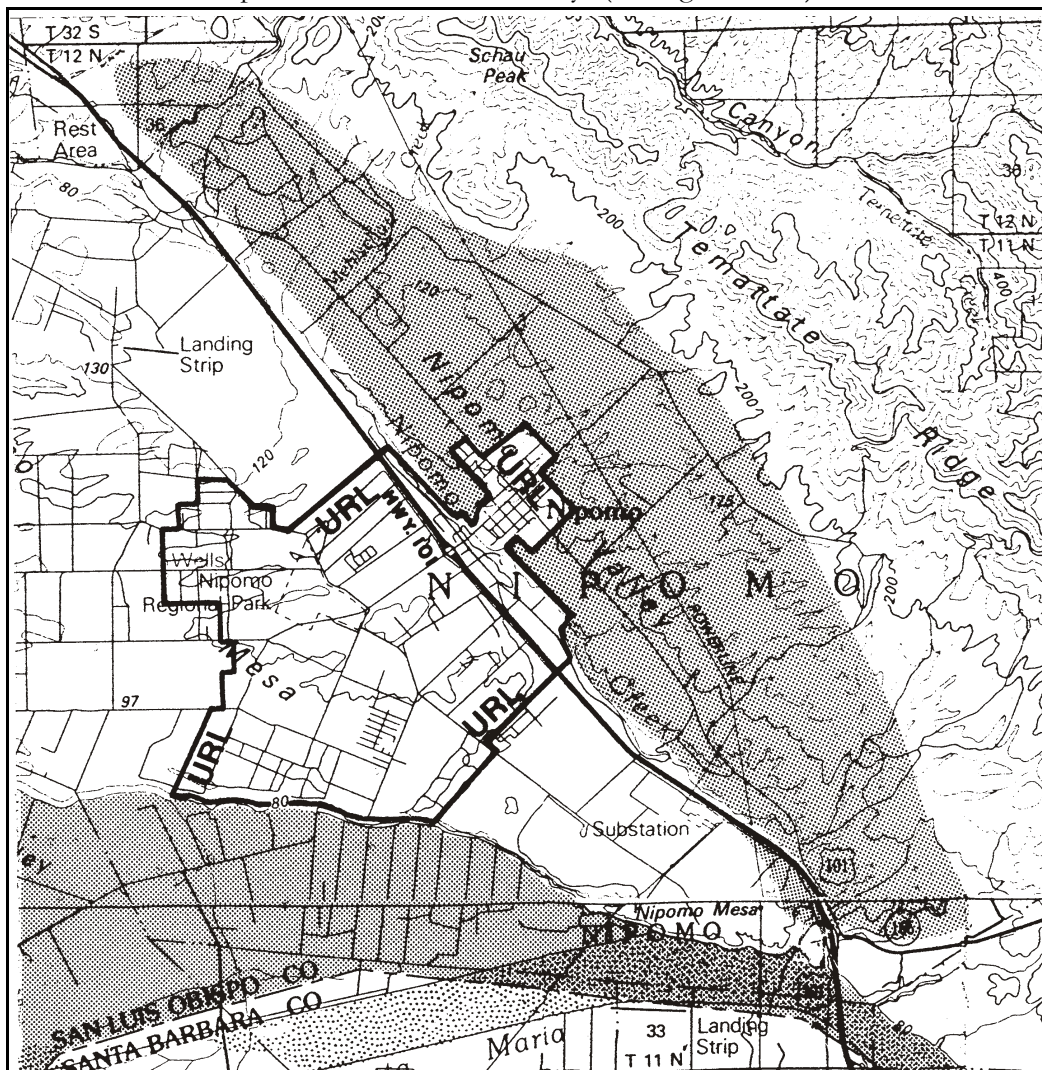


Figure 98-22 - Nipomo and Santa Maria Valleys

- a. Limitation on use.** Land uses are limited to the following within Agriculture land use category in the Nipomo and Santa Maria (Oso Flaco) Valleys, subject to the land use permit requirements of Section 22.06.030:

Ag processing	Mobile homes
Agricultural accessory structures	Nursery specialties (Conditional Use Permit required)
Animal keeping	Outdoor retail sales
Communications facilities	Pipelines and power transmission lines
Crop production and grazing	Residential accessory uses
Farm support quarters	Roadside stands
Home occupations	Single-family dwellings
Mining and concrete batch plants (within the area along the Santa Maria River shown in Figure 98-23 which corresponds to the EX1 or subsequently designated EX combining designation)	Temporary dwellings

- b. Concrete batch plant permit requirements.** Minor Use Permit approval is required for concrete batch plants in the Agriculture land use category within the area shown in Figure 98-22. Visibility of the batch plant shall be minimized if necessary by siting, minimal structural height, and landscape screening of the structures and yard area, including tall-growing trees. Potential traffic conflicts and land use compatibility shall also be addressed.

- 2. Los Berros Road property - Subdivision and residential development limitation.** Further subdivision of the property between Los Berros Road and Highway 101 (see Figure 98-24 for residential purposes is limited to a division of the property from a larger parcel. Residential development is limited to one primary residence and farm support quarters. Residential entitlements, and subdivision entitlements for additional parcels, have been transferred to another portion of the property that is in the Recreation category.

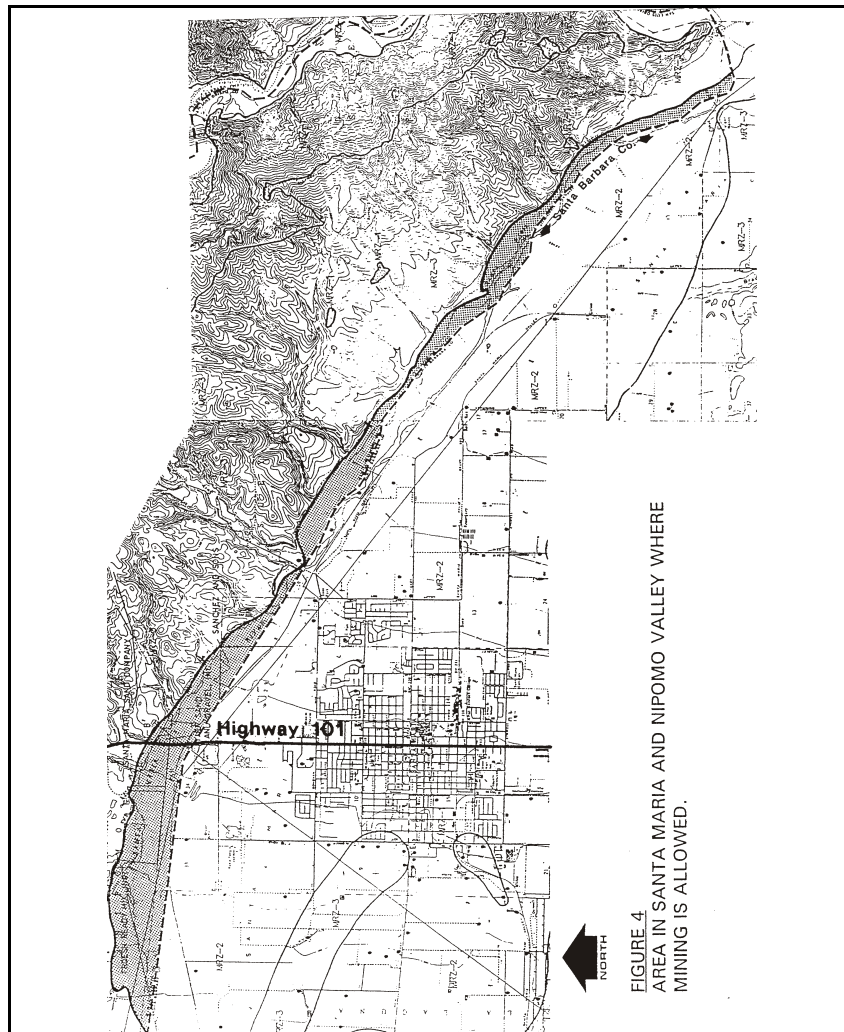


Figure 98-23 - Area in Santa Maria and Nipomo Valleys Where Mining is Allowed

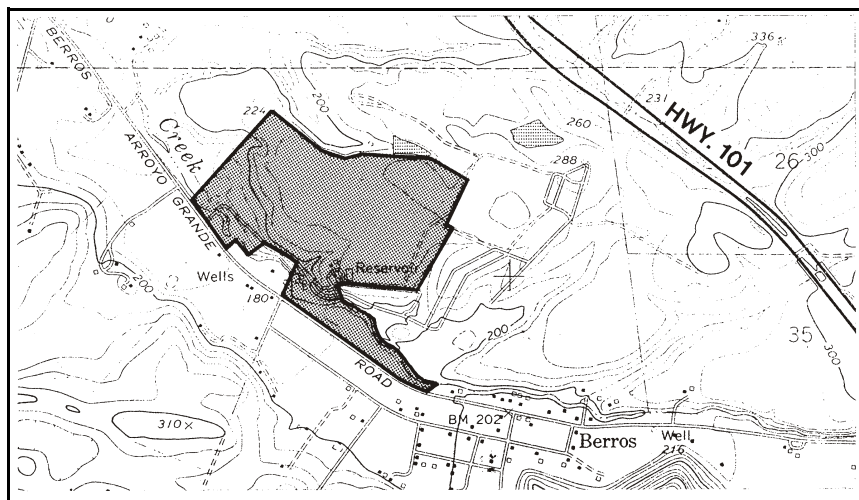


Figure 98-24 - AG - Los Berros Road Property

B. Rural Lands (RL). The following standards apply within the Rural Lands land use category.

1. **Upper Los Berros Canyon and Temettate Ridge - Limitation on use.** All uses identified by Section 22.06.030 as allowable, permitted, or conditional within the RL land use category may be authorized subject to the land use permit requirements of that Section in the area of Upper Los Berros Canyon and Temettate Ridge (see Figure 98-25) except: farm equipment and supplies; off-road vehicle courses; recycling and scrap; correctional institutions; waste disposal sites; airfields and landing strips.

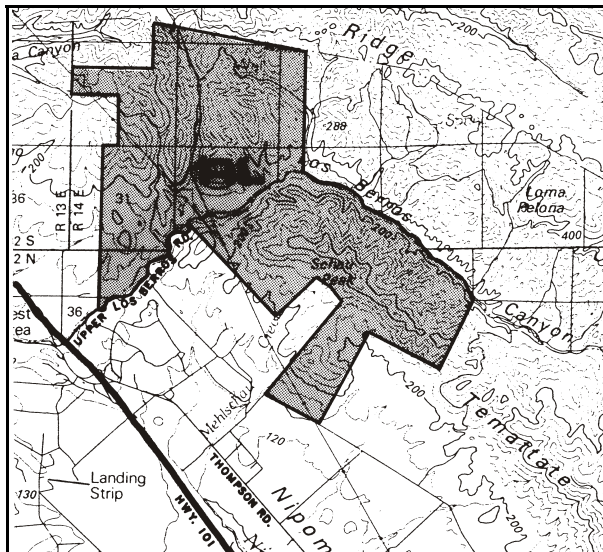


Figure 98-25: Upper Los Berros Canyon and Temettate Ridge

2. **Southland Street Specific Plan Area.** The following standards apply only to land shown in Figure 98-26 for the purpose of planning an industrial park, shown.



Figure 93-26 - RL - Southland Street Industrial Park

- a. **Specific Plan requirement.** Specific Plan(s) shall be prepared under the guidance of the County prior to the approval of land division applications, except that a clustered land division that is proposed in compliance with the Rural Lands category, Section 22.22.140, and other and applicable Sections of this Title, may be approved without Specific Plan preparation. Adjacent properties within the Residential Suburban category may participate in the Specific Plan to transfer their development entitlement to the larger Specific Plan area near the interchange. The Specific Plan(s) shall be prepared in compliance with Government Code Section 65450 to plan for the development as described in following Subsections B.2.b through B.2.e.
- b. **Types of uses.** West of Highway 101, light industrial uses such as small-scale manufacturing or electronics assembly, business support and services, research and development, incidental public facility, retail and personal service uses to serve on-site emergency and employee are encouraged within a scale for adequate circulation. East of Highway 101, visitor-serving uses that are listed in Chapter 7 of Framework for Planning for the Commercial Retail category, and uses that are allowable in the Recreation category.
- c. **Pedestrian-oriented site planning.** Location of workplaces, convenience shopping, services, public buildings, parks and plazas in close proximity to each other and streets in order to facilitate walking and alternative transportation.
- d. **Architecture and landscaping.** Guidelines for architecture and landscaping that respond to the character of the area and provide a consistent quality of architecture and site planning.
- e. **Resource, facility and services needs.** Extent of necessary public, or private where applicable, services including, but not limited to, safety, health, waste management and water supply.

C. Commercial Service (CS). The following standards apply within the Commercial Service land use category.

- 1. **Limitation on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional uses within the CS land use category may be authorized in compliance with the permit requirements of that Section except: agricultural processing; broadcasting studios; indoor amusements and recreation; membership organizations; public assembly and entertainment; schools-specialized education and training; outdoor sports and recreation; sports assembly; apparel products; electrical equipment, electronic and scientific instruments; lumber and wood products; plastics and rubber products; building materials and hardware; auto and vehicle repair and services; laundries and dry cleaning plants; personal services; consumer repair services; and vehicle storage.

Land uses shall be limited to concrete batch plants, surface mine processing and concrete recycling within the area shown as "A" in Figure 98-27.



Figure 112-21 - CS & IND - Santa Maria River Area

2. **Permit requirement.** Minor Use Permit approval is required for all new construction unless a Conditional Use Permit is otherwise required by this Title.
3. **Project design.** Architecture shall emphasize an attractive appearance from Highway 101 by achieving the following: provide a varied roof design and materials, coordinate design to be compatible between projects, minimize rooftop clutter and integrate or screen mechanical equipment. Coordinate signs and share them between adjoining uses where feasible, with the minimum height and size needed to identify businesses from the freeway. Landscaping shall include tall-growing trees to buffer views of buildings from the freeway and soften views of roofs, parking and outdoor uses.
4. **Application submittal - Troesh Property.** The following items are required at the time of land use permit application only within the areas shown as "B," "D," and "E" in Figure 98-27.
 - a. **Noise Assessment.** At the time of land use permit application, a detailed noise assessment shall be submitted. The noise assessment shall be conducted by a qualified acoustical engineer to determine the extent of project-related noise impacts and any required mitigation measures (limitation of hours or duration of operations or the provision of noise barriers).
 - b. **Drainage Plan.** At the time of land use permit application, the applicant shall submit a drainage plan, specifically addressing the control of sediments and any oils or grease so that they will not adversely affect the Santa Maria River.

- c. **On-Site Wells.** At the time of land use permit application, the applicant shall provide a letter from the Division of Environmental Health indicating that the on-site well is in conformance with the Department of Resources Bulletin 74-81, Water Well Standards: State of California and all standards required by the County Environmental Health Department. This letter is required only in the event that the application for the wood chipping facility (commercial composting) use is initiated prior to the development of the previously approved landscape materials sales and storage facility.
- d. **Cultural Resources - Historic.** Prior to acceptance as complete for processing, for any application for any new development on 2008 Assessor Parcel Number 090-302-026 ("Site D" in Figure 98-27), a qualified cultural resource professional, as approved by the County (historian/architectural historian) shall be retained to conduct a historical evaluation of the Nelson farmhouse and barn, and any associated outbuildings, animal pens, and farm equipment. The historic structure evaluation should include the history of the property, and the farm complex should be recorded on appropriate California Department of Parks and Recreation (DPR) forms. Any important/significant historic resources identified shall be mitigated as specified by the historical evaluation prior to its demolition or relocation.
- e. **Cultural Resources - Pre-Historic.** Prior to acceptance as complete for processing for any application for any new development on 2008 Assessor Parcel Numbers 090-302-34 and 090-302-35 ("Site E" in Figure 98-27), a Phase I archaeological survey shall be conducted. All recommended measures shall be required of new development to reduce impacts to less than significant levels.

D. Industrial (IND). The following standards apply within the Industrial land use category in the rural portions of the planning area.

1. **Applicability - Highway 1 and Willow Road.** The following standards apply only to the property located at the southeast corner of Highway 1 and Willow Road, shown in Figure 98-28.

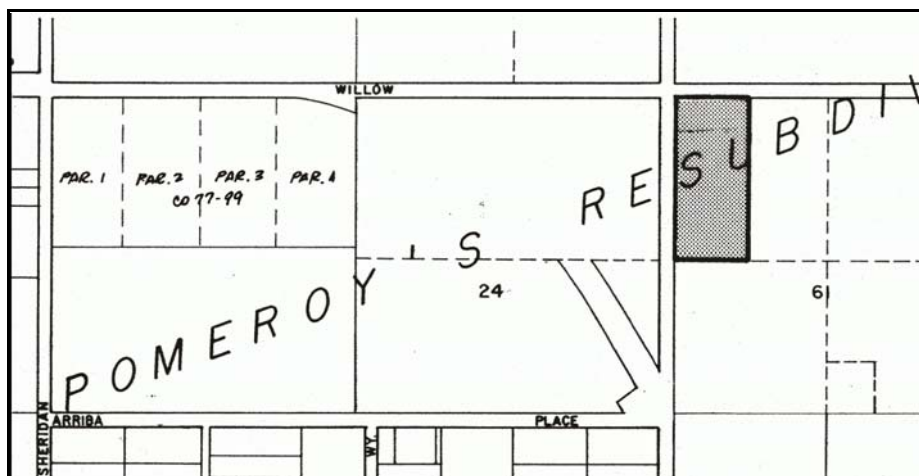


Figure 98-28 - IND - Southeast Corner of Highway 1 and Willow Road

2. **Permit Requirement - Modification or expansion.** Any proposed modification or expansion of the existing pipe manufacturing business is subject to Conditional Use Permit approval.
3. **North of Santa Maria River Area.** The following standards apply only to the property shown as Area C in Figure 98-27.
 - a. **Highway 101 Visibility.** To minimize visual impacts as seen from Highway 101, new development shall adhere to the following guidelines:
 - (1) A landscape plan shall be provided upon application submittal to screen at least 50 percent of buildings and outdoor storage areas, as viewed from Highway 101.
 - (2) An exterior lighting plan shall be provided upon application submittal that shows all exterior lighting will be directed down and into the development with no direct light visible from Highway 101.
 - (3) Exterior elevations shall be provided upon application submittal that shows all exterior colors to be darker, muted colors.
 - (4) All utilities shall be placed underground unless shown to be unfeasible due to site specific characteristics, creation of additional environmental impacts, or cost.
 - b. **Air Quality.** Prior to specific-project acceptance, staff will coordinate with Air Pollution Control District (APCD) on the level of air quality assessment study to be conducted by a qualified air quality specialist at the time a new use is proposed. The level of effort will be commensurate to the level the proposed project will exceed the established air quality thresholds or will involve hazardous materials. If necessary, the APCD may require the completion of a comprehensive facility-wide health risk assessment.
 - c. **Biological Resources.** For projects subject to discretionary approval, to protect riparian and wetland habitat associated with Nipomo Creek and Santa Maria River, any project within 150 feet of these water courses the project shall:
 - (1) Provide evidence to the County that California Department of Fish and Game (CDFG) and the United States Army Corps of Engineers (USACE) have reviewed the plans being considered by the county, and that substantial revisions will not be necessary.
 - (2) Prior to construction permit issuance, obtain any required CDFG/USACE permits, where all of their recommendations have been incorporated into the plans.

- (3) Within 30 days of, and prior to, any vegetation clearance or grading, a qualified biologist shall conduct pre-activity surveys for special-status wildlife species (e.g., California red-legged frog, southwestern pond turtle, two-striped garter snake, etc.) according to regulatory agency protocols. In the event that these species are identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to development activities to determine appropriate buffers from project activities and any additional appropriate project-specific mitigation measures to be implemented.
 - (4) Prior to acceptance as complete for processing for any application for any new development, where it is determined the potential exists for Black-flowered figwort, have a qualified biologist evaluate the project site for the presence of this species, using appropriate regulatory agency protocols. In the event that this species is identified, then the appropriate regulatory agencies (USFWS and/or CDFG) shall be contacted prior to project approval to determine what measures are appropriate (e.g. development setbacks, etc.).
 - (5) Upon application submittal, provide a landscape plan that shows compatible and non-invasive plants for the riparian/wetland area are proposed.
- d. **Hazardous Materials.** For any development that includes reportable hazardous waste or storage, prior to acceptance as complete for processing, the project proponent must submit a hazardous materials business plans to the County Certified Unified Program Agency, and shall be designed to prevent storm water associated with a 100-year flood event from inundating the storage area (e.g. flood walls with heights above 100-year flood elevation).
- e. **Noise.** Upon application submittal, all noise-generating uses shall be specified. A project-specific acoustical study shall be conducted by a qualified acoustical engineer should any proposed noise generating use exceed 50 dB at the property line of any adjacent property with a noise sensitive use, or result in exceeding the existing ambient noise level by one decibel (dBA Leq) for any nearby sensitive noise receptors. The study shall quantify impacts to sensitive noise receptors, and specify noise reduction measures to the extent feasible to reach acceptable noise thresholds, as determined by the County.
- f. **Public Service.** Upon application submittal, a Water/Fire Suppression Master Plan shall be prepared, to the satisfaction of CAL FIRE. The scope of the Master Plan shall be prepared in collaboration with CAL FIRE, the New Cuyama Mutual Water Company and the San Luis Obispo County Department of Planning and Building. Should a pro-rata reimbursement agreement be developed, the benefitting property owners shall contribute their fair-share pursuant to a Reimbursement Agreement.

- g. **Santa Maria River Trail.** Prior to approval of any new discretionary development on properties that include Santa Maria River, or connect to the southern portion of Hutton Road shall coordinate with the County of San Luis Obispo Parks Division to determine the feasibility of establishing a multi-use trail easement through the subject parcel and provide an offer to dedicate, as appropriate.
- h. **Traffic Study.** Upon application submittal, all traffic-generating uses shall be specified. Where substantial amounts of traffic are proposed or traffic safety concerns are identified, a traffic study shall be conducted by a qualified transportation engineer. The study shall quantify impacts to existing roadways, including Highways 166 and 101, and specify measures to reduce impacts to acceptable levels, as determined by the County Public Works Department and/or Caltrans.
- i. **On-site Wastewater.** Where on-site wastewater systems are proposed, upon application submittal, late winter/spring piezometer testing for groundwater levels and percolation testing shall be submitted to determine recharge rates. As needed, based on this information, an appropriate wastewater system shall be proposed that will meet County and State requirements for on-site systems.
- j. **Surface Water Quality.** Upon application submittal, a Sediment and Erosion Control Plan (SECP) will be provided. The SECP will include: slope surface stabilization measures, erosion control devices, sedimentation control measures, regular maintenance of all drainage devices and basins to ensure in good working order, as well as check during 10-year storm event; confining land clearing and grading operations to between April 15 and October 15; minimize land area disturbed and the period of exposure to the shortest feasible time; install long-term drainage devices for site drainage, including headwalls, basins, culverts with down-drains and energy dissipating devices (riprap or diffusers).
- k. **Water Use.** Upon application submittal, at a minimum, plans shall reflect the requirements of the Nipomo Mesa Groundwater subarea in place at the time of submittal. All efforts shall be used to minimize water usage and maximize water conservation.

E. Public Facilities (PF)

- 1. **Jack Ready Property.** The following standards apply only to land shown in Figure 98-29 at the south end of Illinois Way along the Nipomo mesa bluff.
 - a. **Limitation on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional uses within the PF land use category may be authorized in compliance with the permit requirement of that Section except: Mines and quarries, petroleum extraction, recycling, swim and racquet clubs, schools, residential care, outdoor retail sales, cemeteries and columbariums, correctional institutions, health care services, lodging, waste disposal site, airfields and heliports, and vehicle storage.

All uses shall be open and available to the general public and shall not be unreasonably limited or restricted.



Figure 98-29: Jack Ready Property

F. Recreation (REC) / Public Facilities (PF). The following standards apply within the Recreation/Public Facilities land use category in the rural portions of the South County planning area.

1. **North west corner of Willow and Via Concha.** The following standards apply only to the property shown as Area B in Figure 98-30.

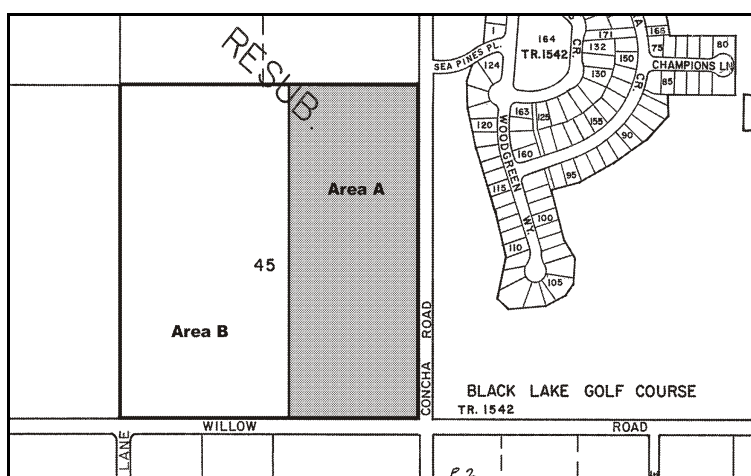


Figure 98-30 - REC-Northwest Corner of Via Concha & Willow Rd

a. Limitation on Use.

- (1) Land uses within the REC/ PF land use category shall be limited to:
Schools - Elementary and Secondary if the site is acquired and developed by the Lucia Mar Unified School District.

- (2) Land uses within the REC/ PF land use category shall be limited to Crop Production and Grazing, Outdoor Sports and Recreation, Parks, and active and passive Open Space if the site is not acquired and developed by the Lucia Mar Unified School District.
- b. **Drainage.** All drainage from future development shall be retained on site.
- c. **Rural Character.** To maintain a rural character, as seen from Willow Road, all future development shall provide sufficient landscaping to accomplish an 80 percent screening of new development and limit night lighting so that it is directed down and into the development with no direct light visible from surrounding public roads.
- d. **Willow Road/Via Concha Access.** Prior to issuance of a county encroachment permit for school access:
 - (1) Public Works shall review proposed project's circulation plan to verify that Via Concha access is used for all traffic ingress/egress and adequately sized for bus movements. If any egress onto Willow Road is proposed, it must be shown to Public Works satisfaction how left-turn movement will be avoided.
 - (2) The LMUSD shall install a traffic signal at the intersection of Willow Road and Via Concha Road, in accordance with the approved Signal Design Plan. If a Signal Design Plan has not yet been prepared, the District will prepare such a Plan for approval by County Public Works.
- e. **Agricultural Resources.** As long as commercial agricultural activities to the north and west remain, the following shall apply. Future school design shall place all outdoor activity areas along the southeastern portion of the property to be as far from existing agricultural operations. Extensive landscape planting of tree and shrubs shall be completed along the north and west perimeters with the intent of providing a solid screen of evergreen vegetation to intercept aerial pesticide drift. All habitable buildings shall include air conditioning units with air purifying filters that are regularly maintained. The District shall work with the County Agricultural Commissioner's Office to verify these measures have been installed in a manner that maximizes protection of human health. The District will consider incorporating any other protective measures recommended by the Agricultural Commissioner's Office.
- f. **Water Service.** Prior to development of the site with a school, the property shall annex to the Nipomo Community Service District for water service. An "intent-to-serve" letter from the NCSD shall be provided.
- g. **Water Usage.** All feasible water conservation measures shall be incorporated into future development of the site with a school. All landscaping shall be low water using and drought tolerant.

G. Recreation (REC). The following standards apply within the Recreation land use category in the rural portions of the South County planning area.

1. **Hutton Road area.** The following standards apply only to the existing auto racetrack property west of Hutton Road (see Figure 98-31).

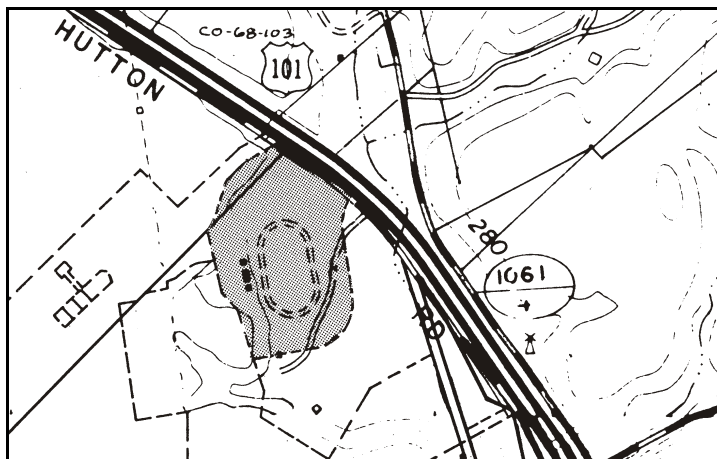


Figure 98-31 - REC - Hutton Road Area

- a. **Limitation on use.** Land uses shall be limited to sports assembly, temporary events and public assembly and entertainment.
 - b. **Permit requirement.** Minor Use Permit approval is required, unless a Conditional Use Permit is otherwise required by Chapter 22.06, prior to any further construction or land divisions that will increase or expand the permanent facilities of the site, except for the construction of restrooms or the renovation or maintenance of concession buildings. Emphasis shall be given in the Minor Use Permit to the provision of adequate on-site parking, drainage and landscaping to buffer or partially screen the site from Highway 101.
2. **Bartleson Ranch.** The following standards apply only to the property shown in Figure 98-32.

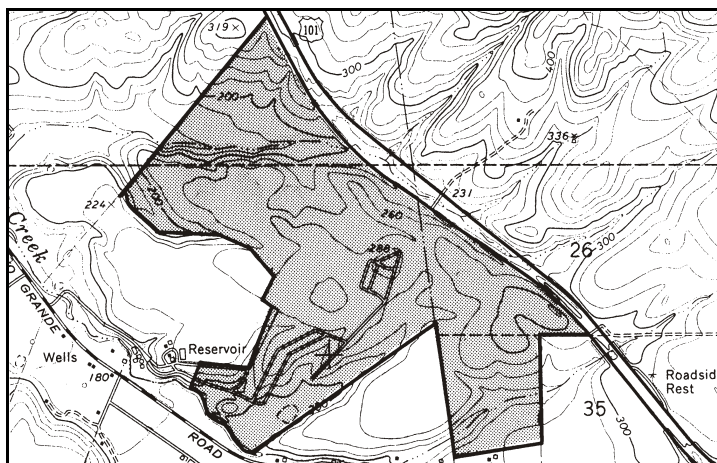


Figure 98-32 - REC - Bartleson Ranch

- a. **Limitation on use.** Land uses shall be limited to crop production and grazing, animal keeping, agricultural accessory structures, golf course and related facilities, overnight tourist accommodations, a restaurant, health and athletic facilities that are predominately outdoor, equestrian facilities and trails, temporary events and single-family dwellings.

The analysis shall be prepared such that long-term water availability is determined to be adequate for the golf course, the residential/small scale tourist accommodation component, and intensive agricultural use for the property remaining in conclusions with a high degree of certainty, and shall be based on 1) monitoring over a certain period (as recommended by the hydrogeologist), 2) recent, detailed existing information on water availability; or 3) a combination of these two. Residential development/small scale tourist accommodations shall also be carefully sited to minimize potential visual impacts from Highway 101 as well as provide for adequate sewage disposal systems.

- 3. **North west corner of Willow and Via Concha.** The following standards apply only to the property shown as Area A in Figure 98-30.
 - a. **Limitation on Use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional within the REC land use category may be authorized in compliance with the land use permit requirements of that Section, in the Agriculture land use category. The data used in the analysis shall provide for only if those uses are allowable, permitted, or conditional in the RS land use category.
 - b. **Land Division.** No more than 16 residential parcels shall be created within the approximately 20 acre portion shown as Area A in Figure 112-25 at an average density of no less than one acre.
 - c. **Cluster Land Division Incentive.** Cluster divisions of land may use an open space parcel area that is smaller than otherwise required by Land Use Ordinance Chapter 22.22 where an important biological habitat, or public use for passive recreational purposes is identified through the application's review process. The size of the open space shall be no less than 60 percent. The analysis shall identify the area that can best accommodate the sensitive biological resources, passive recreational needs, school access and still provide for the allowed residential density.
 - d. **Allowed Density.** The maximum allowable residential density within the area shown as Area A in Figure 98-30 is one dwelling unit per parcel.
 - e. **Drainage.** All drainage from future development shall be retained on site to the satisfaction of County Public Works.

- f. **Rural Character.** To provide for rural character, as seen from Willow Road and Via Concha, all future development shall provide sufficient landscaping to accomplish an 80 percent screening of new development within 5 years of planting and limit night lighting so that it is directed down and into the development with no direct light visible from surrounding public roads;
- g. **Future School Access.** As a part of any future land division, an access easement onto Via Concha shall be provided for the future school site to the west.
- h. **Willow Road/Via Concha Intersection.** Based on the cumulative traffic impacts of residential development and the future school on the adjacent Public Facilities property, the following shall be completed as a part of any residential development:

 - (1) Submittal of a Signal Design Plan for the installation of a traffic signal at the Willow Road/Via Concha Road intersection, for review and approval by the County of San Luis Obispo Department of Public Works.
 - (2) Prior to recordation of final map, the applicant shall install signal poles with luminaries only and install traffic signal conduit at the northwest and southeast corners of the Willow Road and Via Concha Road intersection, as recommended by the San Luis Obispo County Department of Public Works.
- i. **Water Service.** Prior to recordation of final map for residential development, the property shall annex to the Nipomo Community Service District for water service. An "intent-to-serve" letter from the NCSO shall be provided with application for land division.
- j. **Water Usage.** All feasible water conservation measures shall be incorporated into future residential development. All landscaping shall be low water using and drought tolerant. Turf areas shall be minimized.
- k. **Noise.** Future subdivision design shall demonstrate how all outdoor use areas will not exceed the exterior noise threshold of 60 db when buildout traffic is reached on Willow Road.
- l. **Biological Resources.** Prior to approval of future development, a botanical assessment (conducted at proper time of year) shall be prepared to evaluate for potentially sensitive species. All efforts shall be made to avoid any sensitive species found.
- m. **Archaeological Resources.** Prior to approval of future development, the entire property shall be evaluated for archaeological resources. Any future land division shall be designed in a manner that first considers avoiding known resources and if not possible, fully mitigate potential impacts.

- n. **Safety - Golf Hazards.** As a part of any land division or residential building permit submittal, the application shall show how the project will maximize protection of development from potential golf hazards of the adjacent golf course.

H. **Residential Rural (RR).** The following standards apply within the Residential Rural land use category.

1. **Areawide.** The following standards apply within the Residential Rural category where standard large-lot subdivisions are proposed, as illustrated in Figure 98-33.

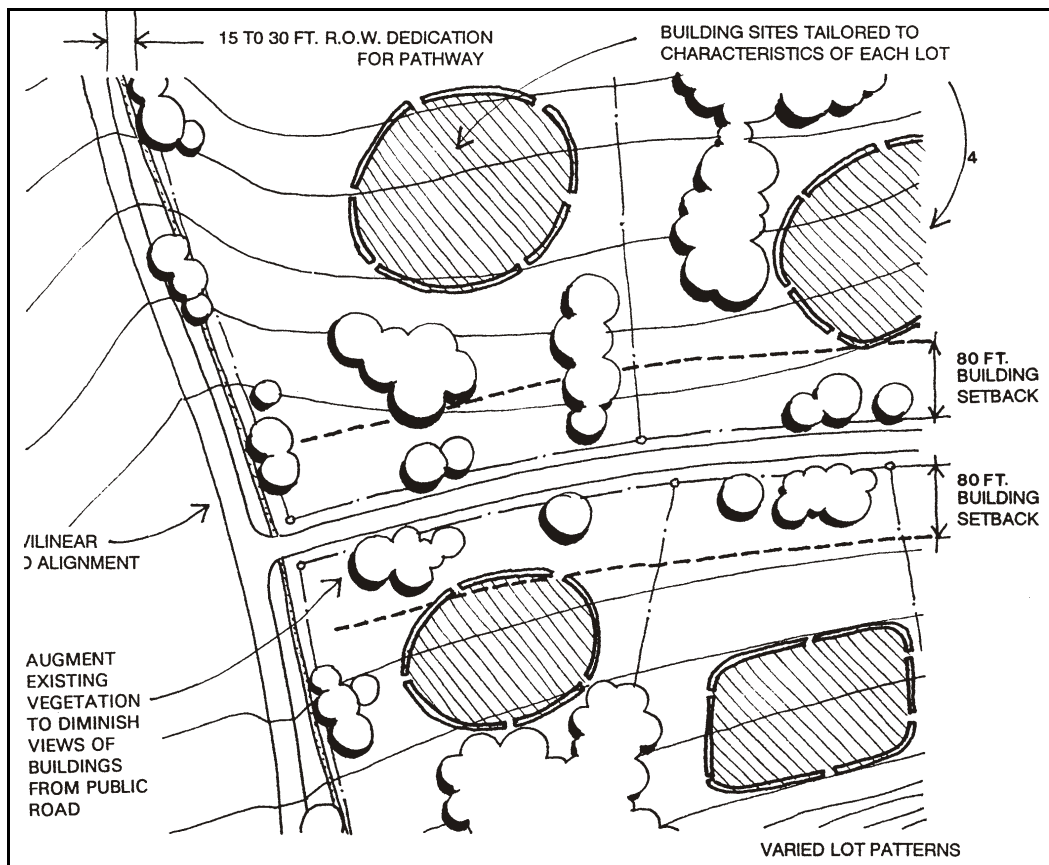


Figure 98-33 - Concept of Standard Rural Subdivision

- a. **Road right-of-way.** Provide a dedication of land for road right-of-way between 15 and 30 feet for the construction of a separate pathway, as determined to be feasible by the County Public Works Department, utilizing the Circulation Element and the County Parks and Recreation Element. Properties affected by this standard may use gross acreage in calculating the allowable density.
- b. **Curvilinear roads.** Road alignments shall respond to natural land forms, be slightly curvilinear and provide alternate routes of travel. Straight roads are not encouraged.

- c. **Setbacks.** Provide a 80-foot front setback, except that where site average slope is greater than 10 percent, the front setback may be less than 80 feet where necessary for sensitive siting within topographic constraints.
 - d. **Varied lot pattern and geometry.** Design parcels to have varied front dimensions and a different overall geometry, responding to natural topography and the location of natural features such as vegetation, to provide interest and avoid rectilinear grid lot patterns.
 - e. **Landscaping.** Retain and incorporate existing vegetation as much as feasible into the subdivision design. Plant California native trees within the dedicated road right-of-way where feasible and in the front setback area in staggered, natural-appearing patterns to buffer views from the public road. Eucalyptus trees may be removed unless benefits from visual character and monarch butterfly habitat warrant further protection. Where eucalyptus trees are removed, replace with California native trees, retaining older, more mature eucalyptus trees where possible.
 - f. **Siting of buildings.** Locate building envelopes that are subordinate to rural character, such as by varying their elevation along hills and ridges, and where siting below the highest elevations takes advantage of wind-protected locations.
2. **South Mesa area.** The following standards apply within the Port Harford Eucalyptus Tract No. 61, portion of lots 41 and 42 of Rancho Guadalupe at the southern edge of the mesa, and the Los Berros Tract, located south of Eucalyptus Road, shown in Figure 98-34.

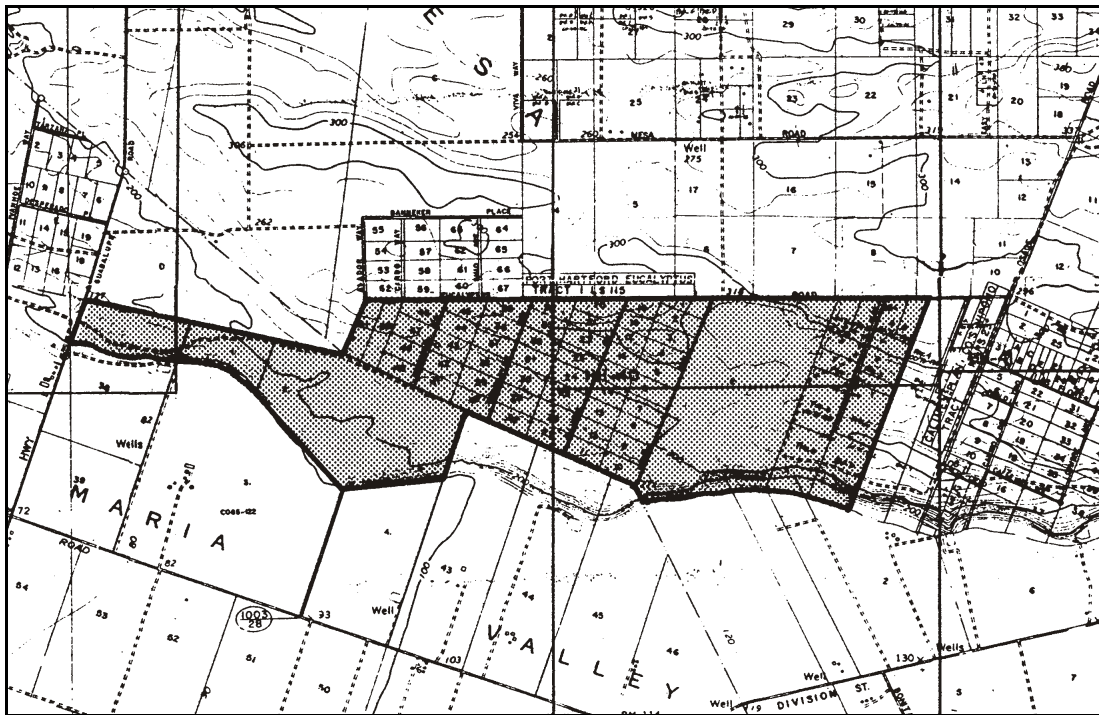


Figure 98-34 - RR - South Mesa Edge

- a. **Vegetation buffer.** Retain a vegetation buffer at least 10 feet in width at the perimeter of each lot, consistent with fire safety regulations. Eucalyptus trees may be removed unless benefits from visual character and monarch butterfly habitat warrant further protection. Where eucalyptus trees shall be removed, replace with California native trees, retaining older, mature "landmark" eucalyptus trees where possible.
 - b. **Limitation on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional may be authorized in compliance with the land use permit requirements of that Section, except: airfields and landing strips; farm equipment and supplies; grocery stores; restaurants; and mining.
 - c. **Permit requirement - New land divisions.** All new land divisions of five or more parcels shall utilize the cluster division provisions of Section 22.22.140, and provide for locations of parcels and building sites which minimize visibility from Highway 1 and Oso Flaco Road.
 - d. **Road improvements.** Road improvements shall be integrated between each tract, and shall include improvement of the existing circulation system for any adjacent tract as deemed necessary by the County.
3. **Porter Pacific Eucalyptus Tract.** The following standards apply within the Porter Pacific Eucalyptus Tract except for the replacement or reconstruction of existing water wells which are subject to Subsection 3.h (see Figure 98-35). These standards will be considered for clarification and revision during the Black Lake Canyon General Plan amendment and environmental impact review process. As part of the General Plan amendment, an inventory of canyon resources and necessary protective measures is being prepared in the Black Lake Canyon Enhancement Plan.



Figure 98-35 - RR - Porter Pacific Tract

- a. **Limitations on improvements.** No permanent structures, impervious surfacing, grading, removal of natural vegetation, sewage disposal systems or water wells are allowed below the canyon rim, except as provided by Subsections H.3.d through H.3.f. The Department shall determine whether proposed activities will extend below the canyon rim as individual applications are reviewed.
- b. **Setbacks.** Maintain at least a 20-foot building setback from the rim of the canyon.
- c. **Environmental review for new water well permits.** All applications to permit the drilling of new water wells (excluding the replacement or reconstruction of existing legal nonconforming wells) below the rim of the Black Lake Canyon and outside the Sensitive Resource Area Boundary shall be subject to the environmental review procedures in the County's Environmental Quality Act Guidelines, and as required by the conditions of the negative declaration (ED 81-08) for the County General Plan amendment G810519:2. The environmental review, with a completed environmental determination, shall be accomplished prior to the issuance of a well-drilling permit from the County Department of Public Health
- d. **Location of new well sites.** New well sites shall be located a minimum 150 feet from the marsh vegetation. Access roads to the well site shall not impinge on the marsh site, and shall be located and limited in use as determined by the environmental review process.
- e. **Grading permit.** A grading permit, subject to the environmental review procedures contained in the California Environmental Quality Act and completed in compliance with Chapter 22.52, shall be required for any proposed grading activities or site disturbances that will occur below the rim of Black Lake Canyon outside of the Sensitive Resource Area boundary, including grading for agricultural uses. The grading permit application shall include a comprehensive erosion and sedimentation control plan utilizing soil erosion prevention and protection measures as recommended by the Natural Resources Conservation Service, and provision of a wildlife corridor of native vegetation extending from the canyon rim to the canyon bottom. The location and size of the corridor shall be determined through the environmental review process. Installation of permanent or temporary structures utilized for controlling drainage may be permitted within the Sensitive Resource Area designation only if such structures are approved as part of the approved sedimentation and erosion control plan.
- f. **Rare or endangered plant species.** The provision of protective measures for rare or endangered plant species, as designated on the current, official list of the California Department of Fish and Game Commission, shall be accomplished as part of the environmental review for individual applications.
- g. **Protection of wetlands.** Properties proposed for development that contain wetlands shall develop a small diameter observation well to monitor the groundwater level in the shallow upper aquifer. Significant declines in the shallow water table attributable to the production from proposed new wells shall necessitate the implementation of protective measures by the property owner to

preserve water levels within marsh areas. The details of the monitoring program shall be developed by the Office of the Environmental Coordinator at the time of the environmental review of individual water well permit applications.

- h. **Reconstruction or replacement of existing wells.** The following standards apply to the reconstruction or replacement of existing legal nonconforming wells:

- (1) **Location of replacement well sites.** Where the existing well being replaced is within 150 feet of a marsh and/or wetland area, the replacement well shall be located no closer to the marsh or wetland than the well being replaced.
- (2) **Permit for replacement wells.** The application for a well-drilling permit submitted to the County Department of Public Health shall include a Zoning Clearance showing the location of the well being replaced, its casing size and depth and the approximate operational capacity prior to its failure; the location of the proposed new well; the access route to the proposed drilling site, and relationship to marsh or wetland areas if they exist on the property.
- (3) **Construction standards for replacement wells.** Replacement wells shall be "in-kind" wells; they shall not exceed the capacity of the well being replaced. The new well shall be constructed to the standards contained in the conditional negative declaration (ED 83-206) for County General Plan amendment G831019:2, on file with the Department and the Department of Public Health.

4. **Sheehy Road, Dana-Foothill Road, upper Los Berros Road and Highland Hills Road area.** The following standards apply within the Sheehy Road and Highland Hills Road area on the northeast side of Dana-Foothill Road and southeast side of Upper Los Berros Road (see Figure 98-36).

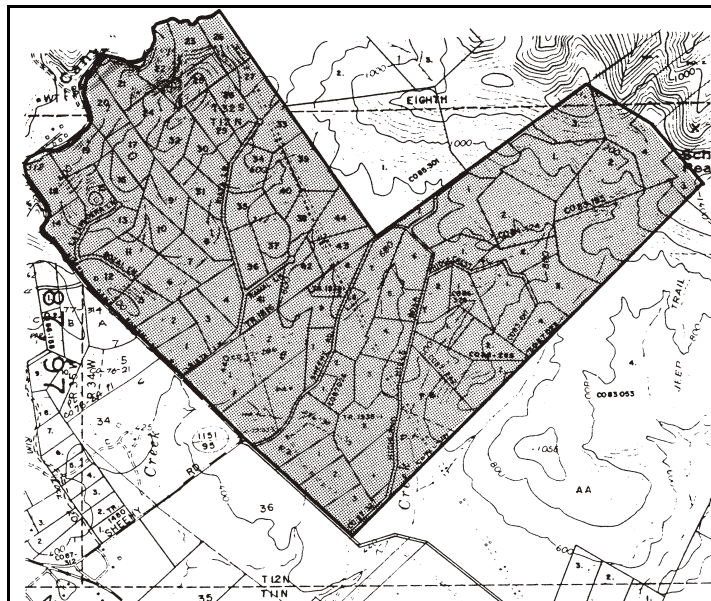


Figure 98-36 - RR - Sheehy Road Area

- a. **Minimum parcel size.** The maximum density and the number of residential lots allowed shall be computed on the basis of one residential lot and single-family dwelling per 10 acres of gross site area, except that 20 acres shall be used to calculate allowable density on Parcels A through D of Parcel Map CO 83-195 if the cluster division standards of this Title are not utilized for proposed land divisions.
 - b. **Limitations on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional within the RR land use category may be authorized in compliance with the land use permit requirements of that Section, except: airfields and landing strips; farm equipment and supplies; grocery stores; organizational houses; outdoor sports and recreation; restaurants; rural recreation and camping; schools - pre to secondary; mining.
 - c. **Residential density.** The maximum allowable residential density is one dwelling unit and one caretaker's residence or secondary dwelling per parcel, with caretaker's residences subject to Minor Use Permit approval, except that the maximum allowable residential density for Parcels A through D of Parcel Map CO 83-195 shall be one dwelling only per parcel if the cluster division standards of this Title are used for proposed land divisions.
 - d. **Site planning - new land divisions.** Building sites and driveways shall be sited in order to reduce topographic alteration of the site and minimize visual impacts to surrounding properties. Common driveways shall be encouraged. Designation of building sites and driveways shall be required as part of subdivision and parcel map approvals.
5. **Sheehy Ranch - Building sites.** All buildings on the Sheehy Ranch (Parcel A of CO 78-71 and Parcels A through D of CO 80-07, shown in Figure 98-37) shall be located in building sites as designated in Parcel Map CO 80-07 and on land unused or unusable for cropland on Parcel A of CO 78-7.

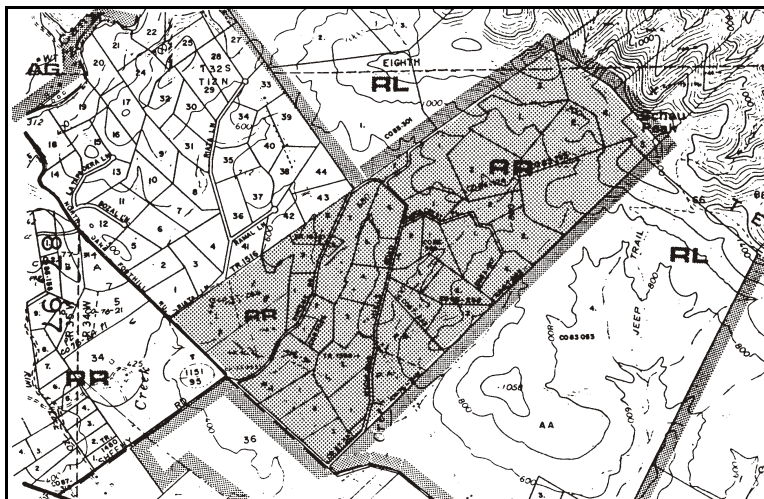


Figure 98-37 - RR - Sheehy Ranch

6. **Tract No. 49 - Tree buffer.** Retain the existing rows of eucalyptus trees along the northerly and southerly boundaries of Tract No. 49 (see Figure 98-38).

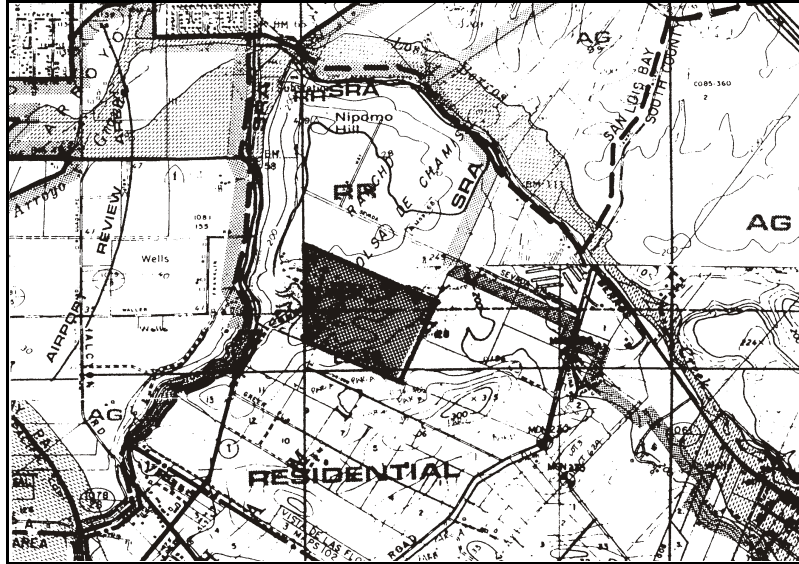


Figure 98-38 - RR - Tract 49

7. **Zenon Way area - Control of erosion affecting Black Lake Canyon.** Development proposed on properties created by parcel map CO 76-196, located west of Zenon Way and bordered on the south by Black Lake Canyon (see Figure 98-39), shall utilize one of the following techniques to minimize any erosion impacts on the Black Lake Canyon sensitive resource area that might result from new development:



Figure 98-30 - RR - Zenon Way Area

- a. Cluster development north of the crest of the major dune ridge that forms the boundary of the canyon drainage area (see Figure 6 of the final EIR for General Plan Amendment G830513:1, Mesa Property Owners Association); or

- b. If development is proposed south of the dune ridge, prepare a drainage and erosion control plan in compliance with Chapter 22.52, and to include at least the collection of concentrated runoff in non-erosion devices for conveyance to the bottom of the canyon with energy dissipators provided at the outlets in the canyon bottom.

These standards will be considered for clarification and revision during the Black Lake Canyon General Plan amendment and environmental impact review process. As part of the General Plan amendment, an inventory of canyon resources and necessary protective measures is being prepared in the Black Lake Canyon Enhancement Plan.

8. **Canada Ranch property - Specific Plan requirement.** A Specific Plan shall be prepared for the Canada Ranch property shown in Figure 98-40 under the guidance of the County upon the application and funding by the property owner(s) prior to the approval of land division applications, although a clustered land division proposed in compliance with the Residential Rural category, Section 22.22.140, and other applicable provisions of this Title, may be approved without Specific Plan preparation. The Specific Plan shall be prepared in compliance with Government Code Section 65450 to plan for the following:

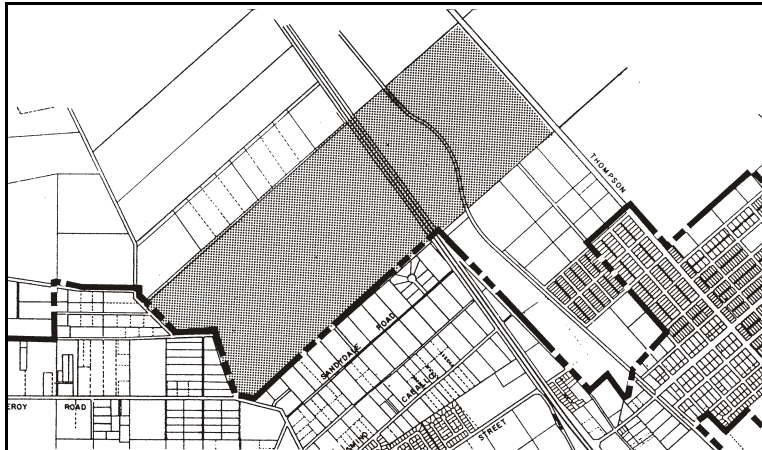


Figure 98-40 - RR - Canada Ranch Property

- a. **Types of uses.** The concept of a Specific Plan is for uses in the following priority for acreage, scale and intensity:
 - (1) Open space uses within the oak woodlands;
 - (2) Industrial park(s) that will generate "basic" employment for the Nipomo and south county area;
 - (3) Commercial service parks that do not conflict with downtown and community shopping commercial uses within Nipomo;
 - (4) Retail uses to serve the daily shopping needs of employees and residents of the site in compliance with purpose and character statements for neighborhood shopping areas in Framework for Planning - Inland Area;

- (5) Commercial retail uses that are in compliance with purpose and character statements in Framework for Planning - Inland Area for highway-oriented retail;
 - (6) Residential areas to contain a mix of housing unit types, a portion of which should be affordable to average employee incomes on the site, timing to be concurrent with or following establishment and operation of nonresidential uses, the timing to be determined by a market feasibility study.
- b. **Oak habitat preservation.** Designation of the existing oak forest habitat for open space preservation, where limited recreational and open space uses may be allowed.
 - c. **Pedestrian-oriented site planning.** Location of workplaces, shopping, services, civic buildings and residences in close proximity to each other to facilitate walking and alternative transportation to the private vehicle.
 - d. **Architecture and landscaping.** Guidelines for architecture and landscaping that respond to the rural character of the area.
 - e. **Resource, facility and services needs.** Extent of necessary public, or private where applicable, needs including, but not limited to, safety, health, waste management and water supply.
9. **Summit Station Road area - Development standards with community water service.** The following standards apply to the Summit Station Road area as shown in Figure 98-41. The land owners may elect or choose to establish a community water service system within the boundaries of the Summit Station Road area shown in Figure 98-41. If community water service provided by a public agency is established within this area, then the following standards apply to all properties within the service area boundaries:

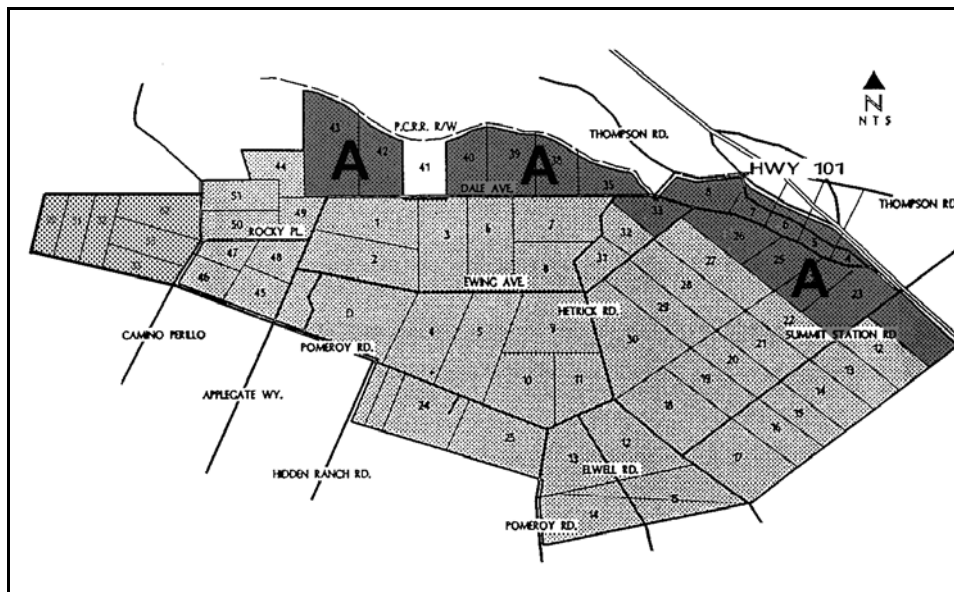


Figure 112-34 - RR - Summit Station Road

- a. **Agency approval.** Prior to establishment of water service, the purveyor shall obtain approval from all appropriate agencies in order to provide water service within Summit Station Road area and to install the necessary improvements.
- b. **Area boundaries.** There shall be no change to the Summit Station Road area boundaries shown in Figure 98-41 that will result in an expansion of the boundary area or that increases the number of parcels that may be served without an amendment to this Title for that purpose.
- c. **Community services.** No urban level community services except for community water service shall be provided within the Summit Station Road area.
- d. **Archaeological Resources.** At the time of construction, land use and land division permit application submittal, the applicant shall provide an archaeological/historic surface survey, conducted by a qualified (historic) archaeologist approved by the environmental coordinator for all ground disturbing activities (e.g., roads, driveways, residences). If any resources are found by the archaeologist or were identified from a previous survey, the following process shall be used to minimize impacts:
 - (1) Development shall be relocated so no building and grading activities will occur within the identified archaeologically sensitive area(s).
 - (2) If the applicant can satisfactorily show to the county that construction cannot avoid identified archaeological resources, the applicant shall implement the recommendations of the archaeologist as determined appropriate by the environmental coordinator.
 - (3) For parcels located along the eastern terminus of Summit Station Road and along Frontage Road and Los Berros Road (shown as "A" in Figure 98-41), the cultural resources reconnaissance shall include analysis of the potential presence of historic resources associated with the former Pacific Coast Railroad.
- e. **Biological Resources.** At the time of construction, land use or land division permit application, whichever occurs first, the applicant shall provide a botanical and biological report, prepared by a qualified botanist and biologist, approved by the environmental coordinator.
 - (1) These reports shall, at a minimum, include the following sensitive species:
 - (A) Special Status Plant Species - Well's manzanita; sand mesa manzanita; Santa Margarita manzanita; Santa Lucia manzanita; Mile's milk-vetch; San Luis mariposa lily; Brewer's spineflower; Pismo clarkia; leafy tarplant; dune larkspur; Kellogg's horkelia; San Luis Obispo County lupine; and black-flowered figwort; and any other special status species identified by the state or federal government or other recognized source.

- (B) Sensitive Plant Communities - Maritime Chaparral, Oak woodland/savannah; Eucalyptus woodland; and Wildlife movement habitat.
 - (C) Trees - All tree species, the location, diameter at breast height (four feet from the ground) and the number of trees to be removed or impacted (disturbance within the trees canopy/drip line).
 - (D) Monarch butterfly habitat (prepared during the over-wintering period, generally November and March, and only in areas of high concentrations of eucalyptus groves);
 - (E) California tiger salamander and western spadefoot toad aestivation habitat (habitat in which the salamanders remain dormant during the summer months and months of drought); and
 - (F) Burrowing owls nesting habitat (February through July);, loggerhead shrike nesting habitat (generally February through June); or raptor nesting habitat (generally March through August).
- (2) Botanical surveys shall be performed during the appropriate blooming period for the plant species. Any sensitive species/communities or trees found within project boundaries shall be shown on all applicable construction plans. New structures shall be placed in a manner that avoids removal of special status species, sensitive plant communities, and trees. If the property owner shows the County that the special status species, sensitive plant communities, or trees cannot be avoided, the project proponent shall obtain appropriate permits from other agencies with jurisdiction (e.g., USFWS or CDFG), to ensure that there is no violation of policy or legislation that protects the special status plant species, sensitive plant community, or trees. As appropriate, the project proponent shall also provide the County with a plan to relocate and/or replace special status plants and/or trees that are removed or impacted.
- f. Drainage.** Unless otherwise specified by the County Public Works Department, all drainage from future development shall be retained on-site.
- g. Fire Safety.** New development shall comply with the following measures:
- (1) Application for secondary dwellings, land divisions and allowed commercial development shall show how the project will meet the adopted Fire Code. Primary residences are allowed on undeveloped lots created prior to January 1, 2005 if evidence is provided with the construction permit application that a minimum fire flow of 500 gpm at 20 psi is available and that additional fire safety measures will be installed prior to the final inspection as specified by the County Fire Department.

- (2) Prior to occupancy of any new residence, all recommended fire safety plan measures shall be in place and approved by CDF, as necessary. Access roads and driveways shall be paved as determined necessary by CDF.
- (3) Permits for secondary dwellings shall include installation of a residential sprinkler system that meets Fire Code standards as a mitigation for reduced fire flow requirements.

h. Air Quality. Ultramafic bedrock (which may include naturally-occurring asbestos) is sometimes associated with fault zones. A fault zone and shallow ultramafic bedrock have been encountered on the east side of Highway 101. Therefore, the following measures shall be adhered to during all ground moving activities and shown on all applicable plans prior to permit issuance:

- (1) During all grubbing, excavating and grading of the site, adequate watering of all areas where earthmoving is occurring shall be done as often as necessary to avoid creating any airborne dust. Any exposed soils to be left for more than 30 days shall be regularly wetted and hydroseeded, or treated in a manner that eliminates airborne dust, as soon as the earthwork is completed.
- (2) Should bedrock (Bedrock is generally considered the solid rock that underlies unconsolidated material or soil, and does not include alluvium, terrace deposits, colluvium, basin deposits, beach deposits or dune deposits). be encountered, work shall stop within 50 feet of this area and a geologic investigation shall be prepared to determine the presence of naturally-occurring asbestos, and then submitted to the county. Until results have been provided on the presence of asbestos, this area shall be kept moist at all times.

If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, before grading continues in this area. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading in this area continues; 2) an "Asbestos Health & Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact the County of San Luis Obispo Air Pollution Control District.

i. Water Conservation Plan. Prior to construction permit issuance, a Water Conservation Plan shall be submitted for county approval. The plan shall incorporate all feasible indoor and outdoor water conservation measures to reduce water consumption. County-approved measures shall be included on all applicable plans and installed prior to final inspection.

- j. **Water Service.** Prior to issuance of a construction application for new development, a valid "intent-to-serve" letter from the Nipomo Community Services District shall be submitted to the county. A valid District "will-serve" letter shall be submitted to the county prior to final inspection or occupancy, whichever occurs first.

- 10. **Los Berros Road property.** The following standards apply to the property on Los Berros Road (see Figure 98-42).

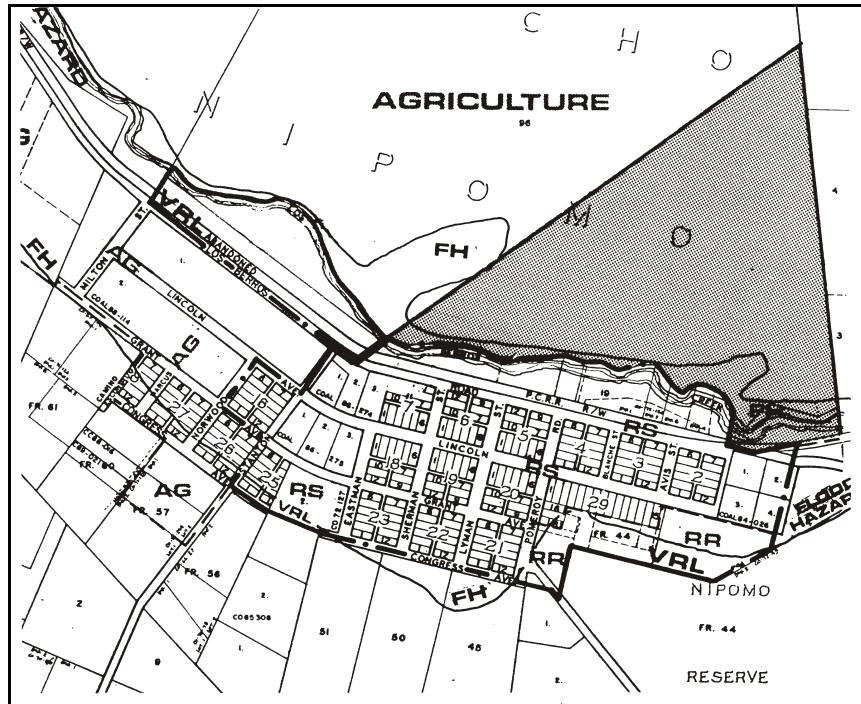


Figure 98-42 - RR - Los Berros Road Property

- a. **Subdivision requirement.** Land divisions shall be clustered in compliance with Section 22.22.140. The residential parcels shall be located to avoid significant potential impacts on agricultural use of the prime Class II soils and on the riparian habitat of Los Berros Creek.
- b. **Density limitation.** The number of parcels shall be based on no more than one parcel per 10 acres.
- c. **Water supply.** At the time of Conditional Use Permit application for the residential subdivision, a detailed hydro-geologic analysis shall be completed. The analysis shall be prepared such that long-term water availability is determined to be adequate for the residential subdivision and agricultural use of the property. The data used in the analysis shall provide for conclusions with a high degree of certainty, and shall be based on 1) monitoring over a certain period (as recommended by the hydrogeologist), 2) recent, detailed existing information on water availability, or 3) a combination of these two.

11. **Green Canyon Property.** The following standards apply only to land shown in Figure 98-43 south of Woodhaven Way.

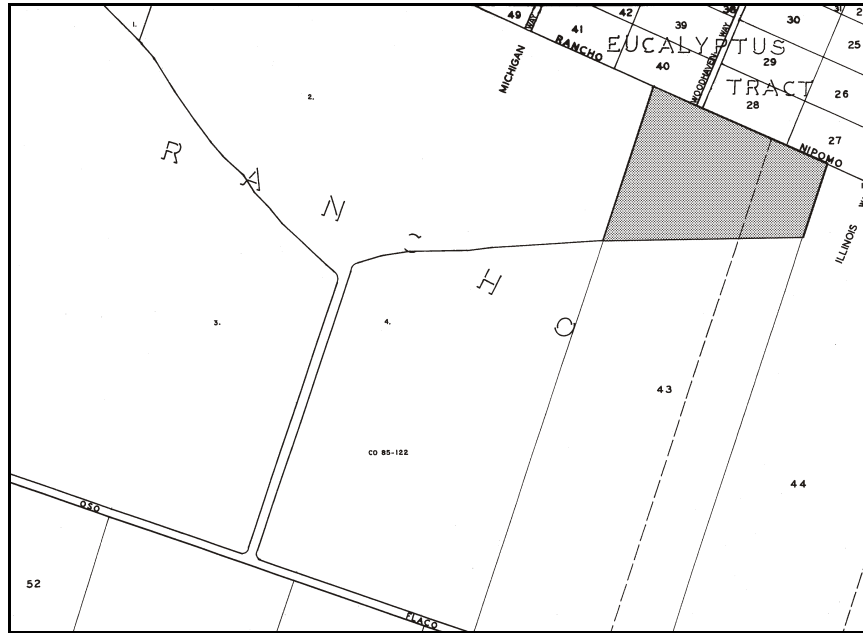


Figure: 98-43 RR - Green Canyon Property

- a. **Biological Resources.** To protect maritime chaparral and coastal dune scrub habitats, the following measures shall be followed for all development:
- (1) No vegetation clearance shall occur until such time as specific development is proposed. At that time, all efforts will be made to preserve the existing chaparral and coastal scrub habitats. Prior to any vegetation removal a botanical report shall be prepared for all areas proposed for disturbance. In the event sensitive plant species or habitats are encountered, appropriate measures (e.g., avoidance, on-site reestablishment, off-site acquisition, etc.) shall be completed to reduce impacts to less than significant levels.
 - (2) All future landscaping shall be of native plants compatible with existing chaparral and coastal scrub habitats.
 - (3) Equestrian activity shall be limited to the on-site trail.
 - (4) All underground utilities shall be either immediately adjacent to or within all access driveways.
 - (5) No grazing animals shall be allowed.
 - (6) No vegetation shall be removed below the edge of the bluff top.

- b. Drainage, Sedimentation and Erosion Control.** To avoid potential bluff face impacts, the following measures shall be required for all new development:
 - (1) All drainage from future development, including the multi-use trail, shall be retained on site and directed away from the bluff face;
 - (2) No grading or ground disturbance shall be allowed below the top edge of bluff;
 - (3) All grading or ground disturbance shall adhere to the "Black Lake Canyon/ Nipomo Bluff Grading & Vegetation Removal Guidelines".
 - c. Rural Character.** To maintain a rural character, new development shall adhere to the following guidelines:
 - (1) Sufficient native landscaping will be used or use of existing topography to accomplish an 80 percent screening of new development, as seen from Highway 1 and Oso Flaco Road;
 - (2) All night lighting shall be directed down and into the development with no direct light visible from surrounding public roads;
 - (3) Cluster subdivisions are not allowed
 - d. Cultural Resources.** Prior to any ground disturbance:
 - (1) An archaeological surface survey shall be prepared for areas where disturbance is proposed (including any disturbance needed for off-site improvements). In the event sensitive areas are encountered, any necessary additional work shall be performed and all feasible measures (e.g., avoidance, redesign, clustering, etc.) shall be incorporated into the ground disturbing activities to minimize impacts to the greatest extent possible.
 - e. Multi-Use Trail.** The trail easement dedicated as part of Parcel Map CO03-0336 shall be retained in perpetuity for an equestrian and hiking trail (above the bluff top edge). When developed, the trail shall include the following elements: provides a connection to existing bluff top trail and/or dedicated trail easement, avoids drainage and erosion impacts to bluff face, and minimizes impacts to existing native vegetation and archaeological resources.
- 12. Northeast corner Willow and Guadalupe roads.** The following standards apply only to land shown in Figure 98-44 at the northeast corner of the intersection of Willow Road and Guadalupe Road.

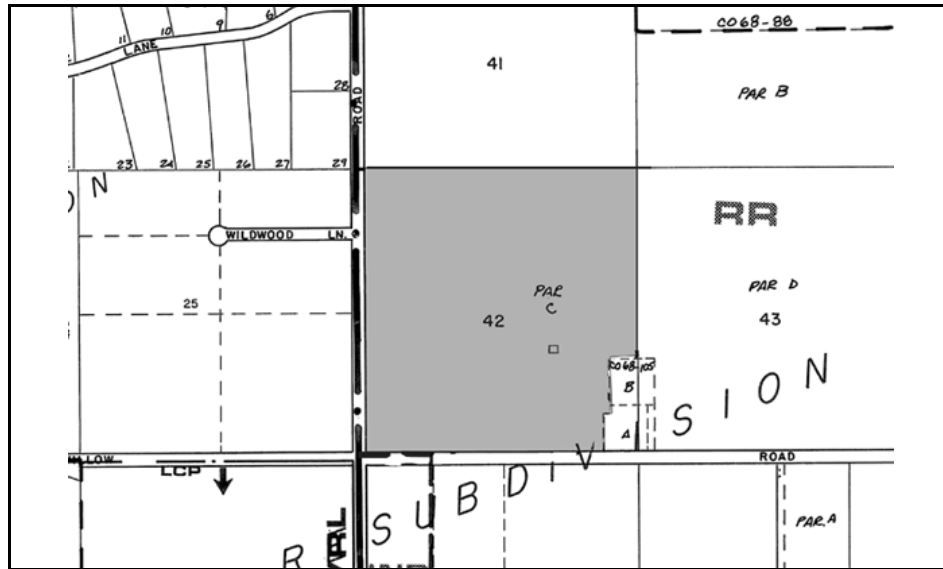


Figure 98-44 - RR - Corner Willow and Guadalupe Roads

- a. **Application submittal.** At the time of land division application, the applicant shall submit the following information and incorporate the following design standards into the proposed project, in addition to the areawide standards set forth in Subsection H.1:
- (1) If street lighting is proposed, a street lighting plan shall be submitted at the time of application for land division. The street lighting plan shall include only the number of light posts and fixtures necessary for public safety. The lighting plan shall be designed to minimize the amount of light and glare visible to public roadways including Willow Road and Highway 1.
 - (2) A survey for over-wintering monarch butterflies prepared by a County approved biologist during the over-wintering period between October and February shall be submitted at the time of application for land division. The report shall include documentation of any observed monarch butterflies on or adjacent to the project site, a discussion of potential impacts, and recommended mitigation measures including strategic timing of development and buffer zones. The design of the proposed land division shall include any recommendations contained in the report.
 - (3) A comprehensive botanical survey report prepared by a County approved biologist, in compliance with CDFG guidelines, and conducted during the flowering period after rains have subsided shall be submitted at the time of application for land division. The report shall include survey findings, a map showing the location of any sensitive, special-status plant species, and recommended mitigation measures. The design of the proposed land division shall include any recommendations contained in the report.

- (4) A noise study prepared by a County-approved noise analyst shall be submitted at the time of application for land division. The noise study shall document the existing ambient noise level contours on the project site, identify areas potentially affected by significant levels of noise (both indoor and outdoor), and recommend mitigation measures to avoid or reduce noise impacts. The design of the proposed land division shall include any recommendations contained in the report.
- (5) Soil borings at each proposed leach line location showing adequate separation, or if inadequate separation, plans for an engineered wastewater system shall be submitted at the time of application for land division.
- (6) The design of the proposed land division shall incorporate agriculture buffers and site design consistent with the County's Agriculture and Open Space Element.

13. **Sejera Property.** The following standards apply only to land shown in Figure 98-45 located 1,400 feet north of the Los Berros/Thompson Road highway interchange.

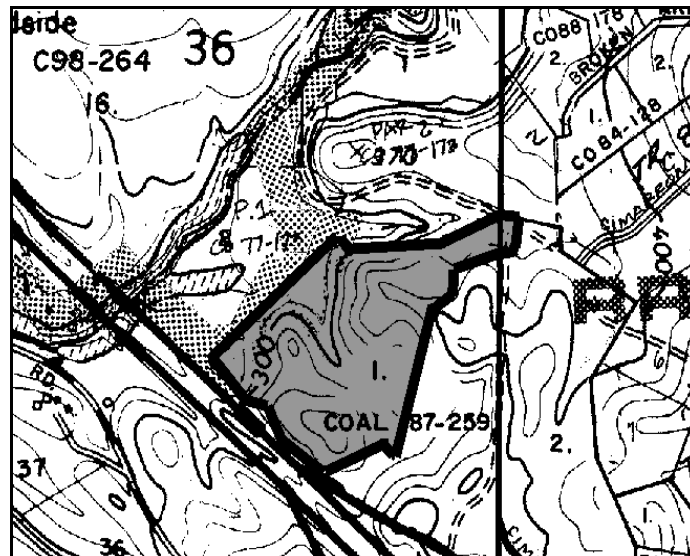


Figure 98-45 - RR - North of Los Berros/Thompson Interchange

- a. **Application submittal.** At the time of land division application, the applicant shall submit the following information and incorporate the following design standards into the proposed project, in addition to the areawide standards set forth in Subsection H.1:
 - (1) At the time of land division application, the applicant shall show no more than five parcels on the tentative map.
 - (2) At the time of land division application, building sites shall be shown on the tentative map. The building sites shall:

- avoid any sensitive and special status plant and animal species as shown through the preparation of a comprehensive biological survey report prepared by a County approved biologist;
 - be located in the least visible portions of the sites as shown through the preparation of a visual analysis prepared by a County approved visual consultant; and
 - be located outside of the 60dbA or less area as delineated in the Noise Element of the County General Plan.
 - All new residential development shall be located within the building control lines.
- (3) At the time of land division application, the applicant shall submit architectural elevations of all proposed structures to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The elevations shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All structures shall have a maximum building height of 25 feet above natural grade.
- (4) The design of the proposed land division shall incorporate agriculture buffers within a range of 250 to 500 feet and site design consistent with the County's Agriculture and Open Space Element. Future subdivision applications shall be referred to the County Department of Agriculture for review and recommendation of the specific agriculture buffer required.
- (5) At the time of land division application, soil borings at each proposed leach line location showing adequate separation, or if inadequate separation, plans for an engineered wastewater system shall be submitted.
14. **West El Campo Road Area.** The following standards apply only to land highlighted in 98-46 near the West El Campo Road and Los Berros Road intersection. a. Subdivision requirement. The following standards apply only to Area B as shown in Figure 98-46.

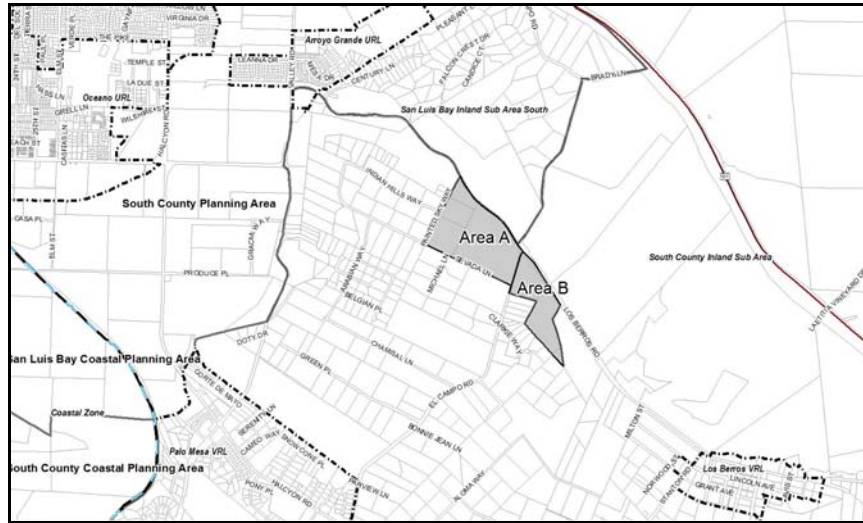


Figure 98-46 - RR - West El Campo Road Area

- a. **Subdivision requirement.** The following standards apply only to Area B as shown in Figure 98-46.
 - (1) Land division shall be clustered in compliance with the cluster division requirements in Section 22.22.140. Required open space parcel(s) shall be used to minimize impacts to visual resources.
 - (2) Development requirements of Subsection H.14.b shall be included on an additional map sheet with any subdivision and CC&Rs as necessary to inform lot purchasers and owners.
- b. **Development requirements.** The following standards apply only to Area B as shown in Figure 98-46. At the time of application for construction permits, the applicant shall clearly delineate the following items:
 - (1) The top of all cut and fill slopes on the project plans shall be rounded off to a minimum radius of five feet. No cut or fill area that will be visible from Los Berros Road shall exceed five feet in vertical height above or below the existing ground surface. For any visible cuts from Los Berros Road, sufficient topsoil shall be stockpiled and reapplied or re-keyed over these visible cut areas to provide at least 8" of topsoil for the reestablishment of vegetation. As soon as the grading work has been completed, the cut and fill slopes shall be reestablished with non-invasive, fast-growing vegetation.
 - (2) The height of new development above the existing natural ground surface on the project plans. New development shall not exceed 20 feet in height above the existing ground surface.

- (3) All water tanks shall be located in the least visually prominent location feasible when viewed from Los Berros Road. Screening with topographic features, existing vegetation or existing structures shall be used as feasible. If the tank(s) cannot be fully screened with existing elements, then the tank(s) shall be a neutral or dark, non-contrasting color, and landscape screening shall be provided. The applicant shall provide evidence that the proposed tank(s) are as low profile as is possible, given the site conditions. Landscape material must be shown to do well in existing soils and conditions, be fast-growing, evergreen and drought tolerant. Shape and size of landscape material shall be in scale with proposed tank(s) and surrounding native vegetation. Plans shall show how plants will be watered and what watering schedule will be applied to ensure successful and vigorous growth.
 - (4) The elevations of proposed buildings shall show exterior finish materials, colors, and height above the existing natural ground surface. Colors shall minimize the structure massing of new development by reducing the contrast between the proposed development and the surrounding environment. Colors shall be compatible with the natural colors of the surrounding environment, including vegetation, rock outcrops, etc.. Darker, non-reflective, earth tone colors shall be selected for walls, chimneys etc. and darker green, grey, slate blue, or brown colors for the roof structures. All color selections shall fall within a "chroma" and "value" of 6 or less, as described in the Munsell Book of Color (review copy available at County).
 - (5) Landscape, irrigation, landscape maintenance plans and specifications shall be submitted to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Chapter 22.16 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately blend the new development, including driveways, access roads, outbuildings, water tanks, etc., into the surrounding environment when viewed from Los Berros Road.
 - (6) Retaining walls, sound walls, and understories that exceed six feet in height shall be constructed in colors and tones compatible with the surrounding environment, and shall use textured materials and/or construction methods which create a textured effect, when viewed from Los Berros Road. Landscaping that will either screen from in front or grow over from above the wall shall be established prior to final inspection or issuance of a certificate of occupancy, whichever occurs first.
- c. **Agricultural Resource Protection.** The following standards apply only to Areas A and B as shown in Figure 98-46.
- (1) **Subdivision map requirement.** Future land divisions should be referred to the Agriculture Department to evaluate potential impacts due to proposed site configuration or to current agricultural operations. Any

subdivision map shall include an Additional Map Sheet with the requirement that prior to transfer of the parcels created by any subdivision, the applicant shall disclose to the prospective buyers of all parcels created by the proposal concerning the consequences of existing and potential intensive agricultural operations on adjacent parcels including, but not limited to: dust, noise, odors and agricultural chemicals and the county's Right to Farm ordinance currently in effect at the time said deed(s) are recorded.

- (2) **Agricultural Buffers.** Before recordation of a subdivision map, a specific recorded buffer distance determination should be made at the time of future division, similar to the buffer areas shown in Figure 98-47. If development of the parcels occurs before subdivision, prior to issuance of construction permits, the applicant shall provide agricultural buffer(s) for future occupied structures, to be recorded in the chain of title on the subject properties equal to the distances shown in Figure 98-47. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans and locate any proposed habitable structure outside of this buffer. No structures intended or used for human habitation shall be constructed in the buffer area. The agricultural buffer shall no longer be in effect if the adjacent agricultural use is discontinued.

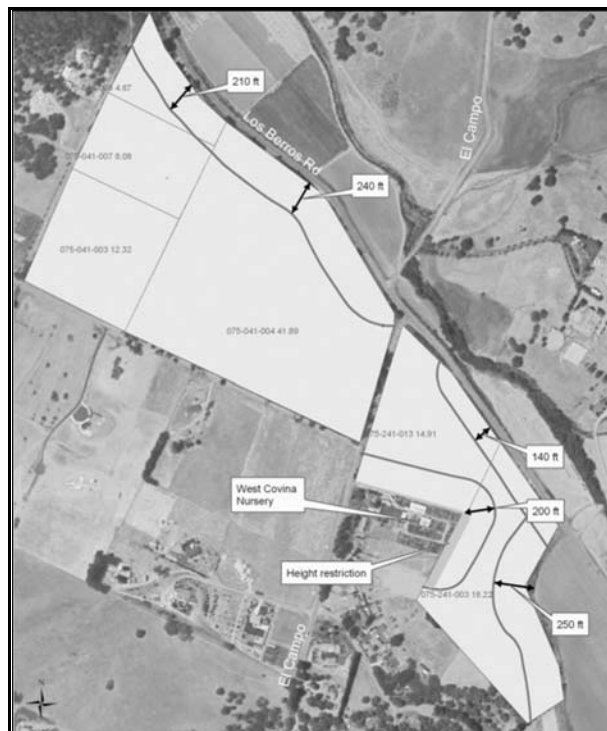


Figure 98-47 - RR - Ag Buffers

- (3) **Drainage Plan.** Prior to issuance of construction permits, provide a Drainage/Erosion and Sediment Control Plan to show the installation of on-site stormwater facilities. Stormwater facilities should be adequately sized and engineered to avoid impacts to down-gradient agricultural fields.
- (4) **Height limitations for Area B, as shown in 98-46.** These height limitations are to ensure that vegetation and/or structural development will not adversely shade the adjoining nursery operation. The height limitation along the western border of Area A within the 200-foot agricultural buffer shall be stepped with increasing distance from the property line. The height limit for either vegetation or structures shall be: (1) 6 feet within 15 feet of the property line, (2) 10 feet within 15-30 feet of the property line, (3) 20 feet within 30-60 feet of the property line, as shown in Figure 98-48.

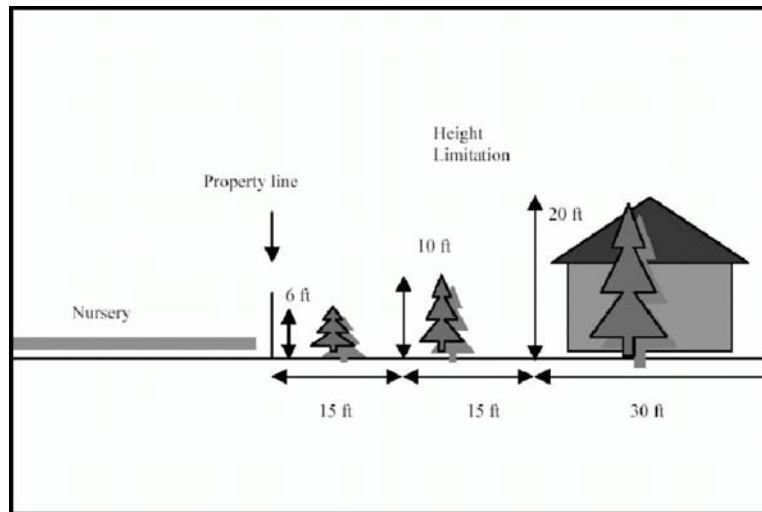


Figure 98-48 - RR - Setbacks and Height Limits

- d. **Biological Resources.** The following standards apply only to land highlighted in Figure 98-46:
- (1) **Biological Report.** At the time of construction, land use or land division permit application, whichever occurs first, the applicant shall provide a botanical and biological report, prepared by a qualified botanist and biologist, approved by the environmental coordinator. Botanical surveys shall be performed during the appropriate blooming period for the plant species. These reports shall, at a minimum, include the following sensitive species:
- (i) Special Status Plant Species - Pismo clarkia; dune larkspur; and any other special status species identified by the state or federal government or other recognized source.
 - (ii) Sensitive Plant Communities - Eucalyptus woodland

- (iii) All tree species, the location, diameter at breast height (four feet from the ground) and the number of trees to be removed or impacted (disturbance within the trees canopy/drip line).
 - (iv) Monarch butterfly habitat (prepared during the over-wintering period, generally November and March, and only in areas of high concentrations of eucalyptus groves);
 - (v) Burrowing owls nesting habitat (February through July);, loggerhead shrike nesting habitat (generally February through June); or raptor nesting habitat (generally March through August).
- (2) **New Development.** Any sensitive species/communities or trees found within project boundaries shall be shown on all applicable construction plans. New development (including roads and infrastructure) shall be placed in a manner that avoids removal of special status species, sensitive plant communities, and trees. If the special status species, sensitive plant communities, or trees cannot be avoided, appropriate permits from other agencies with jurisdiction (e.g., USFWS or CDFG) shall be obtained, to ensure that there is no violation of policy or legislation that protects the special status plant species, sensitive plant community, or trees. As appropriate, a plan to relocate and/or replace special status plants and/or trees that are removed or impacted shall be submitted.
- (3) **Open Space Easement.** If the botanical or biological report indicates the presence of sensitive species, an open space easement should be provided over the location of the remaining population (excluding small separate populations where it would be difficult to manage and enforce the open space easement). In the open space easement, indicate allowable uses such as existing roads, mowing or grazing between Sept 1 and March 1. A perimeter fence around the sensitive species population - including 50-foot buffer - should be considered. Grazing and mowing should only be allowed from September 1st to March 1st. No discing should be allowed for sensitive species areas.
- e. **Cultural Resources.** The following standards apply only to land highlighted in Figure 98-46:
- (1) **Archeological Report.** At the time of construction, land use or land division permit application submittal, the applicant shall provide an archaeological/ historic surface survey, conducted by a qualified archaeologist approved by the environmental coordinator. If any resources are found by the archaeologist or were identified from a previous survey, the following process shall be used to minimize impacts:
- (i) Development and/or subdivision plans shall be redesigned so no building and grading activities will occur within the identified archaeologically sensitive area(s).

- (ii) If the applicant can satisfactorily show to the county that construction cannot avoid identified archaeological resources through the design and/or scale of the project, the applicant shall implement the recommendations of the archaeologist as determined appropriate by the environmental coordinator, including additional archaeological investigations.
- (iii) For parcels located along the Los Berros Road, the cultural resources reconnaissance shall include analysis of the potential presence of historic resources associated with the former Pacific Coast Railroad.

I. Residential Suburban (RS) Hutton Road area. The following standards apply only to the area within the Residential Suburban land use category west of Hutton Road (see Figures 98-27 and 98-49).

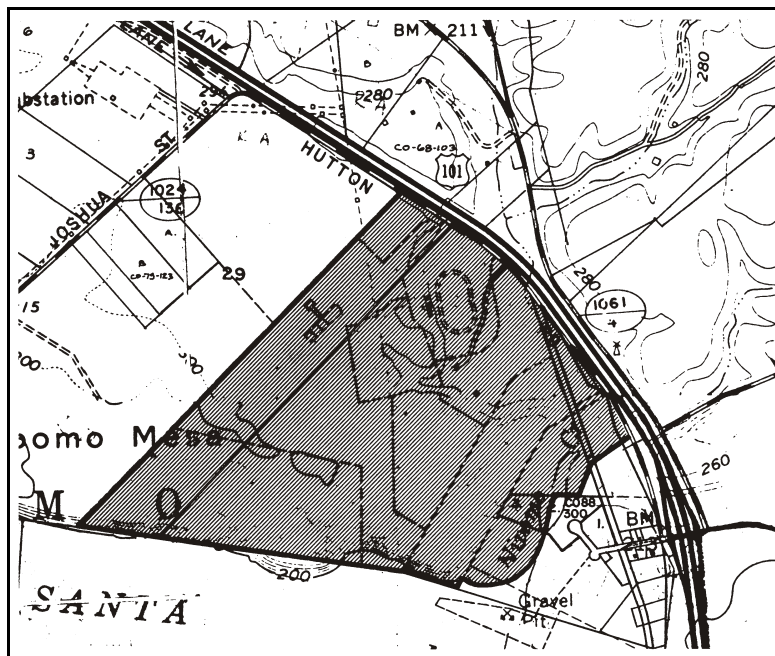


Figure 98-49 - RS - Hutton Road Area

1. **Limitation on use.** Land uses identified Section 22.06.030 as allowable, permitted, or conditional uses within the RS land use category may be authorized in compliance with the land use permit requirements of that Section, except: child day care; grocery stores; schools - elementary and secondary; nursing and personal care; and restaurants.
2. **Permit requirement.** Conditional Use Permit approval is required prior to any further division of these properties.
3. **Site planning.** Proposed projects shall be planned in compliance with the provisions of Section 22.22.140 for cluster development.

4. **Location criteria - Residential uses.** Residential uses are not permitted in the area used for row crops lying south of the existing race track, west of Hutton Road.
5. **Storm water run-off.** Storm water run-off caused from man-made impervious surfacing or from grading that alters the natural landscape shall be retained on-site.
6. **Minimum floor elevation.** All buildings must be constructed to have a minimum floor elevation of 209 feet above mean sea level.
7. **Nipomo Creek restoration.** Where determined necessary, provide plantings, fencing and other appropriate construction to restore the Nipomo Creek riparian habitat.
8. **Cultural Resources - Historic.** Prior to acceptance as complete for processing, for any application for any new development on 2008 Assessor Parcel Number 090-302-026 (shown as "Site D" in Figure 98-27), a qualified cultural resource professional, as approved by the County (historian/architectural historian) shall be retained to conduct a historical evaluation of the Nelson farmhouse and barn, and any associated outbuildings, animal pens, and farm equipment. The historic structure evaluation should include the history of the property, and the farm complex should be recorded on appropriate California Department of Parks and Recreation (DPR) forms. Any important/significant historic resources identified shall be mitigated as specified by the historical evaluation prior to its demolition or relocation.
9. **Cultural Resources - Pre-Historic.** Prior to acceptance as complete for processing for any application for any new development on 2008 Assessor Parcel Numbers 090-302-34 and 090-302-35 (shown collectively as "Site E" in Figure 98-27), a Phase I archaeological survey shall be conducted. All recommended measures shall be required of new development to reduce impacts to less than significant levels.

[Amended 1982, Ord. 2096; 1983, Ord. 2122; 1983, Ord. 2157; 1985, Ord. 2215; 1986, Ord. 2289; Added 1993, Ord. 2614; 2002, Ord. 2968; Amended 1997, Ord. 2800; 2002, Ord. 2968; Added 2004, Ord. 3031; Amended 2004, Ord. 3030; Added 2004, Ord. 3031; Amended 2004, Ord. 3053; Rescinded 2004, Ord. 3055; Added 2005, Ord. 3068; 2005, Ord. 3074; Amended 2006, Ord. 3097; 2006, Ord. 3104; Added 2008, Ord. 3144; 2010, Ord. 3208; 2014, Ord. 3256]